



August 21, 2023

Mayor and City Council  
City of Foley  
407 East Laurel Avenue  
Foley, AL 36535

RE: Subdivision Regulation Amendments

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on August 16, 2023 and the following action was taken:

**Agenda Item: Subdivision Regulation- Amendments**

Commissioner Engel made a motion to approve the Subdivision Regulation amendments. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

**Motion to approve the Subdivision Regulation amendments passes.**

Please let me know if you have any questions or concerns.

Respectfully,

*Melissa Ringler*  
Planning & Zoning Coordinator  
mringler@cityoffoley.org

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III

## Planning Jurisdiction – Subdivision Regulations

### Subdivision Regulations - Proposed Amendment

#### 5.5 - Conformity to City of Foley Comprehensive Plan

All proposed subdivision plans shall conform to the City of Foley Comprehensive Plan, and subsequent amendments thereto, the Future Land Use Map, and the Foley Zoning Ordinance, when applicable.

Whenever a tract to be subdivided (as defined in Code of Alabama, 1975, §11-52-1(6)), embraces any part of a highway, major street, secondary street, or parkway so designated, such part of such proposed public way shall be platted or developed by the subdivider in the same location and at the same width as indicated on such City plan.

The Comprehensive Plan was adopted by the Planning Commission pursuant to Code of Alabama, 1975, §11-52-8 and §11-53-9.<sup>1</sup>

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<sup>1</sup> ***Section 11-52-8. Adoption, etc., of master plan for physical development of municipality by commission - Authorization and procedure generally; contents of plan.***

(a) It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality.

(b) The plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, military installations, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(c) As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan.

(d) The commission may from time to time amend, extend, or add to the plan.

(e) For purposes of this section, the term "military installation" has the same meaning as specified in Section 11-106-3.

**(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §791; Act 2014-13, p. 44, §2.)**

These sections authorize a Planning Commission to adopt a master plan (Comprehensive Plan) for municipal growth with due regard to its relation to neighboring territory outside the municipal boundaries with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs. Nothing herein enables the Planning Commission to zone any property outside of the corporate limits.

#### 5.10 – Public Use and Service Areas

##### A. Easements for Utilities.

Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewer, gas, water, or other utility lines on each side of the common rear lot line and five (5) feet for side lot lines if necessary or advisable in the opinion of the Planning Commission, and unless wider easements are required in the opinion of the City Engineer.

##### B. Suitability of the Land.

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#### ***Section 11-52-9. Adoption, etc., of master plan for physical development of municipality by commission - Conduct of surveys and studies; purpose of plan.***

In the preparation of such plans the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

***(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §792.)***

Land which the Planning Commission has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided unless adequate methods approved by the Planning Commission are formulated by the subdivider for meeting the problems involved.

### C. Planning Jurisdiction

In carrying out the City's Planning Commission responsibility to the systematic and orderly development of the community through the regulation of a subdivision as defined in the Code of Alabama, 1975, §11-52-1(6), the geographic context of development in the community and whether municipal services are provided bear a significant correlation, and directly relates, to the public health and safety of the community. The City of Foley does not provide municipal services outside of its corporate limits.

Subdivisions in the Planning Jurisdiction must adhere to the following:

Minimum Lot Size	30,000 square feet
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Minimum Lot Width	100 feet
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City of Foley Land Development Ordinance (Ordinance 22-2028) Section 3.2 Conservation Areas is hereby incorporated by reference.