



COMMUNITY DEVELOPMENT DEPARTMENT

120 S. McKenzie St.

Foley, Alabama 36535

[www.cityoffoley.org](http://www.cityoffoley.org)

(251) 952-4011

July 18, 2025

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

RE: Zoning Ordinance Amendments Recommendation

Dear Mayor Hellmich and City Council Members:

The City of Foley Planning Commission held a regular meeting on July 16, 2025 and the following action was taken:

**Zoning Ordinance Amendments**

**Planning Commission Action:**

Commissioner Hellmich made a motion to recommend the requested zoning ordinance amendments to the Mayor and Council. Commissioner Engel seconded the motion. All Commissioners voted aye.

**Motion to recommend the requested zoning ordinance amendments to the Mayor and Council passes.**

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

Respectfully,

*Amanda Cole*

Amanda Cole  
Planning & Zoning Assistant  
[acole@cityoffoley.org](mailto:acole@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

# ***PROPOSED CHANGES TO ZO - to PC in July***

## **2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE**

**Accessory Structure:** A structure that:

- A. Is subordinate to and serves the principal building or principal use;
- B. Is subordinate in area, extent, or purpose to the principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- D. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- E. Shall not include kitchen **or sleeping** facilities.

**Agriculture:** The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products. This does not include small gardens for personal use (see definition **Garden**).

~~**Apartment:** A building which is used as a residence for three (3) or more families living in separate dwelling units who have only a possessory right and not an ownership interest in any portion of the building. This does not include buildings or portions of buildings advertised or held out as being available for transients.~~

**Assembly Places of:** Land or buildings arranged for public assembly or for religious purposes such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, ~~lodging, eating~~ and other integrally related activities.

**Block:** That portion of land bounded on all sides by the nearest intersecting streets. Alleys may exist within blocks without dividing the land into different blocks.

**Building:** Any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, ~~and includes any vehicle, railway car, aircraft or watercraft used for the lodging of persons~~ or for carrying on business therein. Where a single building consists of two or more units separately secured or occupied, each unit shall not be deemed a separate building.

**Community Development Director:** Such person or persons designated to be responsible for the administration and enforcement of certain provisions of this Ordinance. The Community Development Designees may include, but are not limited to, the Planning and Zoning Coordinator, **Zoning Administrator**, Code Enforcement Officer, ~~Environmental Manager~~, and other Community Development staff.

**Condominium:** ~~Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.~~ **A multi-unit dwelling, group of multi-unit dwellings, townhouse complex, group of townhouse complexes, or any combination thereof; each of whose residents, known as unit owners, enjoys**

**exclusive ownership of his individual apartment or dwelling unit holding fee simple title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building or buildings and grounds which are used by all the residents.**

**Courtyard:** An open space that is surrounded completely or partly by a building or group of buildings. See Plaza.

**Duplex:** A home with two dwelling units within one structure. See Dwelling – Two Family

~~**Dwelling:** A building used, or designed to be used, as a residence. A dwelling does not include buildings or portions of buildings that are used or designed to be used for housing transients. A house or other building used primarily as an abode for one (1) or two (2) families; except that the word dwelling shall not include boarding or rooming houses, tents, tourist camps, hotels, recreational vehicles, recreational vehicle parks, or other structures designated or used primarily for transient residents.~~

~~**Dwelling Unit:** A building or a portion thereof used or designed for residential use by only one (1) family at a time for living and sleeping purposes (e.g., a two-family dwelling would have two dwelling units). This does not include rooms or areas that are used or designed to be used for transients.~~

~~**Habitable Structure:** A structure containing spaces in a building for living, sleeping, eating, or cooking, or any combination thereof. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.~~

**Hotel:** Any establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients, whether such establishment be known as a hotel, condotel, apartment hotel, inn, tavern, club, resort, tourist home, tourist court, motel, court, motor court, motor lodge or by other like term, but this term shall not be construed to include apartments, clubs, ~~trailer courts,~~ **manufactured home parks**, boarding houses, rooming houses or portions thereof where single night accommodations are not advertised or held out to be available.

~~**Maximum Structure Height:** Unless addressed elsewhere in the Zoning Code, the “Maximum Building Height(feet)” shall be the maximum height in feet of any structure including buildings, towers, and all other forms of structures.~~

**Mobile / Manufactured Dwelling:** Any vehicle or similar portable structure, mounted or designed for mounting on wheels, used or intended for use for permanent dwelling purposes including structural additions, except parked and unoccupied camping-type trailers. Any vehicle or structure shall be deemed to be a mobile / manufactured dwelling whether or not the wheels have been removed there from and whether or not resting on temporary or permanent foundations. **Manufactured dwelling structures must be approved by the Alabama Manufactured Housing Commission.**

**Modular Dwelling:** A structure or building designed to be used or actually used as a dwelling unit constructed by the assembly of pre-manufactured units, component parts, sections or modules and designed to be placed or actually placed on a permanent foundation. **Modular structures must be approved by the Alabama Manufactured Housing Commission.**

Motel: A type of hotel that has separate outside entrances for each guest room or suite of rooms and having automobile parking spaces provided for each room. Sometimes referred to herein as a "Motor Court."

**Multi-Family: A building which is used as a residence for three (3) or more families living in separate dwelling units.**

Open Space: ~~Land which is landscaped or left in a natural state and is intended for natural or scenic preservation and/or active / passive recreational uses and their accessory structures. Where minimum Open Space reservation percentages of a development are required per the Zoning Ordinance, the percentage amount and use restrictions are detailed in the individual zone. The City's Land Development Ordinance also contains "Conservation Area" or "Green Space" requirements that must be met in conjunction with the Zoning Ordinance Open Space requirements.~~ **Any land or area, the preservation of which in its present use would: conserve and enhance natural or scenic resources; protect streams or water supply; promote conservation of soils, wetlands, beaches or tidal marshes; enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; and/or enhance recreation opportunities.**

**Open Space (Residential Development): Land area within a residential development that is in a centralized location 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 non-residential buildings (except for shared amenities), common driveways, parking areas, street rights-of-way, required drainage areas or storm water management 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.**

Parcel: ~~A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.~~ **A contiguous area of land described in a single description by a deed or other instrument or as one of a number of lots on a plat or plan, separately owned and capable of being separately conveyed.**

Parking Space: The space necessary to park an automobile along with necessary lanes and maneuvering areas. ~~Size requirements are defined in Article 10.~~

Planned Developments: ~~Planned Developments include R3 Residential Multi-Family, TH 1 Residential Townhouse, PUD Planned Unit Development, PDD Planned Development District, MH-1 Mobile/Manufactured Dwelling Parks, RV Recreational Vehicle Parks and PID Planning Industrial Districts. These zones require a master plan layout prior to zoning / rezoning. The approved layouts then become the "zoning" for these properties and are considered site plan approval as well unless otherwise noted in the meeting minutes. The approved layouts can only be modified by the Planning Commission and in certain instances will require City Council approval as well.~~ **A Planned Development (PD) is a regulatory process which promotes holistic real estate development by segmenting potential development by land use or dwelling types, by clustering uses and strengthening the collaboration required between developers and municipalities. The goal of this type of regulation is to promote unified planning, sound economics and to protect the interests of all community members.**

**Plaza:** An open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and businesses. See Courtyard.

~~Public Street: See Street.~~

~~Right of Way: See Street.~~

**Sign: See Article XXII definitions** ~~Any outdoor display of lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combination thereof, are arranged, intended, designed, or used as an advertisement, announcement or direction, or to otherwise make known the designation of an individual, firm, association, profession, business, commodity, or product and which may be visible from any public way, regardless of the method of display.~~

~~Sign, Banner: Any sign not designed or intended for permanent use made of lightweight fabric or any other similar non-rigid material with no enclosing framework which is mounted to a pole, building, or any other structure 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.~~

~~Sign, Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move. An airport, landing pad, lighthouse, water tower, telecommunications tower, or any other beacon required for health and safety purposes and not used for the purpose of calling attention to a business, product, or other commercial activity, is not considered a beacon for purposes of this Ordinance.~~

~~Sign, Billboard: An off-premise or off-site sign, other than a locator sign, advertising an establishment, merchandise, product, service, entertainment, etc. which is not sold, provided, manufactured or furnished on the property on which said sign is located.~~

~~Sign, Billboard Double Stacked: A single freestanding billboard sign structure that has two sign faces aimed in the same direction of travel where one sign face is positioned above the other sign face. A Billboard Double Stacked Sign may or may not have one or more sign faces aimed in the opposite direction of travel.~~

~~Sign, Billboard Merged Stack: A billboard double stacked sign that has been lawfully converted into a single billboard sign face in compliance with all applicable laws and this Zoning Code.~~

~~Sign, Canopy: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.~~

~~Sign, Changeable Copy: A sign upon which the copy may be manually changed, rearranged, or altered or removed without altering the structure of the sign face or support.~~

~~Sign, Commercial Message: Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.~~

~~**Sign, Construction:** Any sign advertising or listing principal contractors, architects, engineers, and/or any establishment involved in the construction being conducted on any construction site.~~

~~**Sign, Copy:** The lettering, parts of letters, words, numerals, figures, phrases, sentences, emblems, devices, designs, trade names, or combinations thereof, either permanent or temporary, that creates the advertisement display on the sign surface or face in either permanent or removable letter form.~~

~~**Sign, Electronic Changeable Copy:** A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.~~

~~**Sign, Face:** The surface area of the sign structure where the copy is displayed.~~

~~**Sign, Face Area:** The surface area of any sign structure upon which any copy is displayed, generally but not limited to the entire area contained within the frame or the outside edges of any particular shape, and which is held in place by structural support, or which is mounted to any surface. Only one side of a double faced sign shall be included in a computation of sign face area.~~

~~**Sign, Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political division, or other entity or used as a decorative feature.~~

~~**Sign, Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.~~

~~**Sign, Ground:** Any outdoor advertising display sign which is supported by structures or supports in or upon the ground and independent of support from any building.~~

~~**Sign, Height:** The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.~~

~~**Sign, Illuminated:** A sign designed or arranged to reflect light from an artificial source.~~

- ~~A. Direct Illumination: Light sources, including spotlights and neon tubing, which is attached to the sign face or structure and directed toward the copy area.~~
- ~~B. Electric Message Center: Light sources arranged in rows, intended and designed to be individually and sequentially lit in such a manner to form letters and/or graphics which may blink on and off, travel, or flash.~~
- ~~C. Indirect Illumination: Light sources not attached to the sign structure or face area, but which are designed to be directed onto the sign face area.~~
- ~~D. Internal Illumination: Light sources enclosed in a sign face.~~

~~**Sign, Incidental:** A sign, generally informational, such as "no parking", "entrance", "exit", "loading only", "drive through", "menu boards", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.~~

~~Sign, Temporary Locator: One sign which identifies one or more businesses located within an unfinished shopping center or commercial complex which is shared by the existing businesses in the shopping center or complex and which is located on a part of the shopping center or complex and which is intended to remain only until other users in the shopping center or complex are identified and a permanent Locator Sign can be erected in its place.~~

~~Sign, Marquee: A projecting sign which is attached to or hung from a canopy, or a covered structure projecting from or supported by a building, extending beyond the building line.~~

~~Sign, Monument: A sign mounted to the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign.~~

~~Sign, Multi Tenant Locator: A single ground sign which identifies multiple businesses which are all tenants in a single structure, shopping center or complex. A Multi-Tenant Locator Sign must be located on the property that is being leased by the businesses who are displayed on the sign face unless otherwise allowed in this ordinance.~~

~~Sign, Mural: A decoration or artwork painted on the exterior wall of a building which may be classified as a sign when it contains lettering, trade emblems or logos. When such items are incorporated, the sign specifications shall be as follows:~~

- ~~A. Lettering shall be localized and the area measured to conform to the size limitations of this Ordinance.~~
- ~~B. Trade emblems and logos the entire area of the mural shall be considered to be the sign face area and shall meet the size limitations contained in this Ordinance.~~

~~Sign, Name Plate: A name plate not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or building.~~

~~Sign, Nonconforming: Any sign which does not meet the requirements of the Zoning Ordinance.~~

~~Sign, Off Premise: A sign relating to its subject matter which is not located on the site.~~

~~Sign, On Premise: A sign relating its subject matter to the site on which it is located.~~

~~Sign, Painted Wall: A sign that is not a mural, but which is painted directly on the surface of a structure.~~

~~Sign, Plaque: Any sign indicating the name of a building and date and incidental information about its construction.~~

~~Sign, Pole: Any sign supported by a pole, or poles, and otherwise separated from the ground by air.~~

~~Sign, Portable: A movable sign that is not permanently attached to either the ground or a 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 or T frames; menu and sandwich board signs; handheld signs; caricature signs; balloons and inflatables used as signs; umbrellas used for advertising.~~

~~**Sign, Projecting:** Any sign affixed to any building or structure, extending beyond the building wall, structure, or building line by more than twelve (12) inches.~~

~~**Sign, Public Property / Right of Way:** Any sign which is suspended, projected, or placed on or above a public right of way. Any sign projecting from a building or extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and all such signs shall extend no more than within eighteen (18) inches of the curb line.~~

~~**Sign, Real Estate:** A sign that advertises the sale, lease, rental or development of property.~~

~~**Sign, Revolving:** Any sign erected or constructed to rotate by any electrical, mechanical or natural means.~~

~~**Sign, Roof:** Any sign which is erected, constructed, or maintained above the roof of any building or structure, and gains its principal support from the roof or building facade.~~

~~**Sign, Integral Roof:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.~~

~~**Sign, Shopping Center:** See Sign, Multi-Tenant Locator.~~

~~**Sign, Special Events:** A sign advertising a planned temporary activity for commercial purposes.~~

~~**Sign, Suspended:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.~~

~~**Sign, Temporary:** Any sign that is used only temporarily and is temporarily mounted to supports~~

~~**Sign, Vehicle:** Any sign painted, drawn or affixed to or on a vehicle including an automobile, truck, or trailer.~~

~~**Sign, Wall:** A sign entirely affixed directly to the wall of a building or the slope of a mansard-type roof, and/or projecting to a point less than twelve (12) inches beyond the wall surface.~~

~~**Sign, Window:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the right of way.~~

**Traffic Impact Study: As set forth in City Ordinances.**

**Transportation Continuity (Refer to City of Foley Transportation Continuity Plan):**

**Freeways and Expressways:** Multi-lane controlled access roadways with directional travel lanes and are typically separated by a physical barrier. Access points are, like interstates, limited to on-off ramp locations, although limited access via at-grade



intersections is allowed. These roadways, similar to interstates, focus on mobility versus access.

**Principal Arterials:** Provide major vehicle mobility to major centers of a region. Typically access includes at-grade intersections and limited direct access to property to improve through movement traffic flows. Provide mobility between important centers of activity, along interzonal trips (entering and then leaving an area), and through the area. Principal Arterials have a subcategory of urban and rural.

**Minor Arterials:** Provide interconnection with and supplements principal arterial. Includes at-grade intersections and direct access to property. Provide mobility between important centers of activity, along interzonal trips (entering and then leaving an area), and through the area. Minor Arterials have a subcategory of urban and rural.

**Major and Minor Collectors:** Provide balance between land access and traffic flows within residential neighborhood and commercial and industrial areas. Collect traffic from local roadways and funnel to the arterial streets. Includes at-grade intersections and direct access to property.

**Local:** Account for the largest percentage of all roadways in terms of mileage. Typically provides connectivity at the end of the origin or destination end of the trip.

## **8.1 ACCESSORY STRUCTURES**

All accessory structures, including Accessory Dwelling Units (ADU), shall conform to the following regulations:

- A. Providing the size, location, and setback requirements listed in sections 8.1.1 and 8.1.2 can be met in full, any primary residence may have a maximum of two (2) accessory structures, one (1) of which may be an Accessory Dwelling Unit (ADU).
- B. The total ground coverage of the accessory structures may not exceed 40% of the yards in which they are located.
- C. No accessory structure may be built prior to the primary residence, except as noted in 8.1.D.a.
- D. No accessory structure shall be erected in any front yard or any street-side yard on a corner lot.
- E. Accessory structures shall not exceed the overall height of the primary structure and in no case shall exceed two (2) stories;
- F. An ADU shall not cover more than 30% of the yard in which it is located;
- G. Exceptions for AO - Agriculture Open Space zoned properties:
  - a. Accessory structures may be built prior to the primary residence and are limited to two (2) stories. When built first, they should be planned for a location within the future primary residence's rear yard.
  - b. A single Accessory Dwelling Unit may be built and is limited to 60% of planned primary residence size.
  - c. The total number of accessory structures allowed is not limited in quantity, but must not exceed 40% of total rear and side yards in which they are located.

### **8.1.1 ACCESSORY DWELLING UNITS (ADU)**

A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guesthouses.

Accessory Dwelling Units shall also conform to the following regulations:

- A. **Only one ADU is allowed per primary residence.**
- B. **Neither** Recreational Vehicles nor Manufactured Homes ~~can~~**may** be ~~considered~~ **used** as an ADU.
- C. The ADU **ground floor square footage shall** ~~cannot~~ exceed 60% of the size in square feet of the **ground floor of the** principal residence. **Neither may the total square footage of the ADU exceed 60% of the principal residence total square footage.**
- D. ~~and~~**An ADU** shall be at least 10 feet from all lot lines and 10 feet from any other structure on the same lot.

### **8.1.2 RESIDENTIAL ACCESSORY STRUCTURES**

- A. **Single story-accessory structures** ~~and~~ shall be at least five (5) feet from all lot lines and ten (10) feet from any other ~~habitable~~ structure on the same lot, **excluding fences**. Two story accessory structures shall be at least ten (10) feet from all lot lines
- B. Plant nurseries, ~~and~~ greenhouses, **and hoop structures** are ~~permitted~~ **allowed accessory structures** provided that:
  - a. no sales are made from the premises; ~~and provided further that~~

- b. all accessory structures and material storage facilities larger than three hundred (300) square feet in **total** area ~~are~~ **shall be** located not less than twenty (20) feet from all property lines, and no closer than ten (10) feet to any other structure.

~~No accessory structure may be built prior to the primary residence except in AO — Agricultural Open Space.~~

## ARTICLE XXII - SIGN REGULATIONS

### 22.01 PURPOSE

Signs are an important visual communication tool that benefits our community and its citizens. The City has determined that signs may be unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public and therefore regulations are necessary. This sign ordinance is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Ordinance. In the interest of furthering the purpose of this Zoning Ordinance, these sign regulations are herein established to provide for the use, location, and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area. More specifically, the purposes of these regulations are to:

- To encourage the effective use of signs as a means of communication;
- To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- To minimize the possible adverse effect of signs on nearby public and private property and maintain attractive, high value residential, commercial and industrial areas;
- Control the size, location, and general design so that signs will be aesthetically harmonious and in context with the area in which they are located;
- Eliminate any conflict that would be hazardous between signs and traffic control signs and traffic control devices; Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
- To enable the fair and consistent enforcement of these sign restrictions.

### 22.02 OBJECTIVES

The objectives of this article are to create a set of guidelines that will result in signs that are an asset to the aesthetic appeal of the community, that are restrained in character, are no larger than necessary for adequate identification and advertising, and are of such design as is consistent with the high graphic standards

### 22.03 DEFINITIONS

Except as specifically defined therein, each word used in this article has its customary dictionary definition. For the purpose of this article, certain words or terms used are herein defined as follows:

**Abandoned:** A permitted sign which was erected on property in conjunction with a particular use, which use has been discontinued for a period of thirty (30) days or more, or a permitted temporary sign for which the permit has expired. Suggested rephrasing - A permitted sign erected in conjunction with a use that has been discontinued for thirty (30) days or more, or a permitted temporary sign with an expired permit.

**Administrator:** The person designated to administer and enforce the provisions of this article.

**Area:** The square foot area enclosed by the perimeter of the sign face but shall not include any supporting structure or backing.

**Back to Back:** A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

**Banners, Pennants, Balloons:** Any sign not designed or intended for permanent use made of lightweight fabric or any other similar non-rigid material with no enclosing framework which is mounted to a pole, building, or any other structure 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.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move. An airport, landing pad, lighthouse, water tower, telecommunications tower, or any other beacon required for health and safety purposes and not used for the purpose of calling attention to a business, product, or other commercial activity, is not considered a beacon for purposes of this Ordinance.

**Board of Adjustment and Appeals:** The duly appointed Board authorized by the appropriate authority to hear and act upon any appeal of a decision of the Administrator or any request for a variance from any provision of this article.

**Billboard:** An off-premise or off-site sign, other than a locator sign, advertising an establishment, merchandise, product, service, entertainment, etc. which is not sold, provided, manufactured or furnished on the property on which said sign is located.

**Billboard, Standard:** A billboard (off-premises sign) that does not have an electronic changeable copy sign face.

**Billboard Double Stacked:** A single freestanding billboard sign structure that has two sign faces aimed in the same direction of travel where one sign face is positioned above the other sign face. A Billboard Double Stacked Sign may or may not have one or more sign faces aimed in the opposite direction of travel.

**Billboard Merged Stack:** A billboard double stacked sign that has been lawfully converted into a single billboard sign face in compliance with all applicable laws and this Zoning Code.

**Campaign:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

**Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Changeable Copy:** A sign upon which the copy may be manually changed, rearranged, or altered or removed without altering the structure of the sign face or support.

**Commercial Message:** Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Construction:** Any sign advertising or listing principal contractors, architects, engineers, and/or any establishment involved in the construction being conducted on any construction site.

**Copy:** The lettering, parts of letters, words, numerals, figures, phrases, sentences, emblems, devices, designs, trade names, or combinations thereof, either permanent or temporary, that

creates the advertisement display on the sign surface or face in either permanent or removable letter form.

**Dilapidated:** Any sign which is structurally unsound, has defective parts or is in need of painting or maintenance.

**Directional:** A sign permanently erected or permitted in the public right-of-way or on private property by a governmental agency to provide information to the public.

**Directory Sign:** A sign listing only the names, use and/or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

**Double Faced:** A sign with two (2) display areas against each other or where the interior angle formed by the display area is sixty (60) degrees or less, where one (1) face is designed to be viewed from one (1) direction and the other side from another direction.

**Electrical:** A sign or sign structure in which electric wiring, connections and/or fixtures are used as part of the sign.

**Electronic Changeable Copy:** A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

**Existing:** Any sign that was erected, mounted or displayed prior to the adoption of this article.

**Façade:** The entire building wall, including main street wall face and parapet, fascia, windows, doors, canopy and roof on any complete elevation.

**Face:** The surface area of the sign structure where the copy is displayed.

**Face Area:** The surface area of any sign structure upon which any copy is displayed, generally but not limited to the entire area contained within the frame or the outside edges of any particular shape, and which is held in place by structural support, or which is mounted to any surface. Only one side of a double-faced sign shall be included in a computation of sign face area.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political division, or other entity or used as a decorative feature.

**Flashing:** Any lighted or electrical sign which emits light in sudden transitory bursts.

**Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Frontage:** The length of the property line of any one (1) premises parcel serving as a public right-of-way line.

**Frontage Wall Face:** The building façade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage on the premises.

**Ground:** Any outdoor advertising display sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**Height:** The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

**Identification:** A sign indicating the nature, logo, trademark or other identification symbol, address, or any combination of the name, symbols and address of the building, business, development or establishment on the premises where it is located.

**Illuminated:** A sign designed or arranged to reflect light from an artificial source.

- A. **Direct Illumination:** Light sources, including spotlights and neon tubing, which is attached to the sign face or structure and directed toward the copy area.
- B. **Electric Message Center:** Light sources arranged in rows, intended and designed to be individually and sequentially lit in such a manner to form letters and/or graphics which may blink on and off, travel, or flash.
- C. **Indirect Illumination:** Light sources not attached to the sign structure or face area, but which are designed to be directed onto the sign face area.
- D. **Internal Illumination:** Light sources enclosed in a sign face.

**Incidental:** A sign, generally informational, , such as “no parking”, “entrance”, “exit”, “loading only”, “drive-through”, “menu boards”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Inflatable:** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**Ingress / Egress:** A sign which designates only the direction of ingress or egress of a parking area or driveway, such as *In, Out, One Way, Do Not Enter or No Exit*.

**Temporary Locator:** One sign which identifies one or more businesses located within an unfinished shopping center or commercial complex which is shared by the existing businesses in the shopping center or complex and which is located on a part of the shopping center or complex and which is intended to remain only until other users in the shopping center or complex are identified and a permanent Locator Sign can be erected in its place.

**Moving Message Board:** Any electrical sign having a continuous message flow across its face by italicization of lights or other electrical impulses forming various words or designs, such as time and temperature.

**Marquee:** A projecting sign which is attached to or hung from a canopy, or a covered structure projecting from or supported by a building, extending beyond the building line.

**Monument:** A sign mounted to the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign.

**Multi-Tenant Locator:** A single ground sign which identifies multiple businesses which are all tenants in a single structure, shopping center or complex. A Multi-Tenant Locator Sign must be

located on the property that is being leased by the businesses who are displayed on the sign face unless otherwise allowed in this ordinance.

**Mural:** A decoration or artwork painted on the exterior wall of a building which may be classified as a sign when it contains lettering, trade emblems or logos. When such items are incorporated, the sign specifications shall be as follows:

- A. Lettering shall be localized and the area measured to conform to the size limitations of this Ordinance.
- B. Trade emblems and logos- the entire area of the mural shall be considered to be the sign face area and shall meet the size limitations contained in this Ordinance.

**Name Plate:** A name plate not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or building.

**Nonconforming:** Any sign which does not meet the requirements of Zoning Ordinance.

**Occupancy:** Any use or activity upon the premises.

**Off Premise:** A sign relating to its subject matter which is not located on the site.

**On Premise:** A sign relating its subject matter to the site on which it is located.

**Painted Wall:** A sign that is not a mural, but which is painted directly on the surface of a structure.

**Panel:** The primary surface of a sign upon which the message of the sign is carried.

**Parapet:** A vertical false front or wall extension above the roof line.

**Pennant:** See Banners, Pennants and Balloons

**Permitted:** A sign for which a valid permit has been issued.

**Plaque:** Any sign indicating the name of a building and date and incidental information about its construction.

**Pole:** Any sign supported by a pole, or poles, and otherwise separated from the ground by air.

**Political:** A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the City may vote.

**Portable:** A movable sign that is not permanently attached to either the ground or a 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- or T- frames; menu and sandwich board signs; handheld signs; caricature signs; balloons and inflatables used as signs; umbrellas used for advertising.

**Premises:** The plat of record which is affected either directly or indirectly by the contents of this Article.



**Projecting:** Any sign affixed to any building or structure, extending beyond the building wall, structure, or building line by more than twelve (12) inches.

**Public Property / Right-of-Way:** Any sign which is suspended, projected, or placed on or above a public right-of-way. Any sign projecting from a building or extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and all such signs shall extend no more than within eighteen (18) inches of the curb line.

**Real Estate:** A temporary sign that advertises the sale, lease, rental or development of property upon which the sign is located.

**Revolving:** Any sign erected or constructed to rotate by any electrical, mechanical or natural means.

**Roof:** Any sign which is erected, constructed, or maintained above the roof of any building or structure, and gains its principal support from the roof or building facade.

**Integral Roof:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Seasonal / Holiday:** A sign used for emphasizing the celebration of an historic American holiday which is erected for a limited period of time.

**Shopping Center:** See Sign, Multi-Tenant Locator.

**Sidewalk / Sandwich:** A movable sign not secured or attached to the ground or any building or structure.

**Sign:** Any outdoor display of lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combination thereof, are arranged, intended, designed, or used as an advertisement, announcement or direction, or to otherwise make known the designation of an individual, firm, association, profession, business, commodity, or product and which may be visible from any public way, regardless of the method of display.

**Special Events:** A sign advertising a planned temporary activity for commercial purposes.

**Structure:** A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however this definition shall not include a building, fence, wall, gate or earthen berm.

**Snipe:** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

**Suspended / Swinging:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

**Temporary:** Any sign that is used only temporarily and is temporarily mounted to supports.

**Time / Temperature:** An electrical sign utilizing lights going on and off periodically to display the current time and temperature to the community.

**Vehicle:** Any permanent or temporary sign painted, drawn or affixed to or on a vehicle including an automobile, truck, or trailer which is displayed to public view which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business.

**Wall:** A sign entirely affixed directly to the wall of a building or the slope of a mansard-type roof, and/or projecting to a point less than twelve (12) inches beyond the wall surface.

**Window:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the right-of-way.

**Window Temporary:** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including but not limited to, signs for sales, specials, going out of business and grand openings.

## **22.1 GENERAL PROVISIONS**

- A. **PERMITS REQUIRED** - Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the City or cause the same to be done, without first obtaining a Building Permit for each sign from the ~~Building Official~~ **Community Development Department**.

1. **APPLICATION FOR PERMIT** - The City's online application process shall be followed to request a sign permit. The following information is required to assure compliance with all appropriate laws and regulations of the City:
  - a. Name and address of owner of the sign.
  - b. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
  - c. Clear and legible drawings with description definitely showing the location of the sign which is subject of the permit and all other existing signs for that particular business at that location. Signs located at intersections should also provide required Vision Clearance Areas on the drawing as defined in section **22.1.D** below.
  - d. Drawings showing the dimensions, construction supports size, electrical wiring, components, illumination method, materials of the sign and method of support.
  - e. If the sign is or will be located within the Local Downtown Historic District, a Certificate of Appropriateness (COA) must be received prior to permit application.

### **22.1.C.2**

2. No signs shall be erected in public right-of-way or on public sidewalks, except those necessary for regulatory, statutory or traffic control purposes, or other directional

signs placed by the City of Foley, Baldwin County, the State of Alabama, or the United States, **except as permitted specifically within this Ordinance or other City ordinances.**

22.1.F.1

1. **DETACHED/FREESTANDING SIGNS** - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

22.1.G.1.a

- a. A permit had been issued for the construction of such sign prior to the date of the adoption of this Ordinance. ~~if one was required under any other or prior city ordinance, or if no sign permit was required under any prior applicable City ordinances for the sign in question, the sign must have been in compliance with the prior applicable City ordinances as of the date of the adoption of this Ordinance.~~

## 22.2 PROHIBITED SIGNS

**Except as may be hereinafter specifically permitted**, the following signs are prohibited in the City of Foley, and no permits for the construction of these signs will be issued, and all existing signs of this nature that are now in the corporate limits of the City of Foley or may hereafter come into the corporate limits of the City of Foley will either be classified as legal non-conforming or unlawful.

- A. Billboards, provided, however, the Planning Commission may, as part of its approval of the Master Signage Plan (MSP) for a PUD, PDD, or PID, grant one or more lots in the development the option to locate their ground sign(s) in specifically defined locations in a common area of that same PUD, PDD, or PID.
- B. Signs located in public areas or right-of-ways. With the exception of: Signs erected by or on behalf of the governmental entity responsible for maintenance and repair of said right-of-way, including signs posting legal notices, identifying public property, conveying public information, and signs directing or regulating pedestrian or vehicular traffic to businesses or other locations; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes, or facilities; and awnings, projecting and suspended signs which conform to the conditions of these regulations.
- C. Vehicle Signs: except those vehicles used in normal day-to-day operations of the business. Vehicles parked for more than three (3) consecutive days are not considered regularly used in the conduct of normal day-to-day business. Vehicle signs used in normal day-to-day business shall be parked to the rear or side of businesses when possible. When rear and side parking is not possible vehicles shall be parked at a minimum of 100 feet from all highways and expressways. No vehicle signs shall be parked in the City right-of-way, unless the business has no other parking areas on premise.
- D. Portable Signs: A moveable sign that is not permanently attached to either the ground or a structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A- or T- frames; menu and sandwich board signs; feather flags; handheld signs; caricature signs; inflatable's; umbrellas (used for advertising), except those permitted as Special Event Signs in 22.4 EXEMPT PERMIT SIGNS or those which may be allowed in an applicable Overlay District.

- E. Roof top signs.
- F. Beacons and Revolving signs.
- G. Flashing signs, traveling lights or intensely lighted signs.
- H. **Snipe signs.**
- I. **Sidewalk / Sandwich signs.**
- J. **Banners, pennants, balloons, flags, portable signs and inflatable signs. See temporary signs and Special Event signs for exceptions.**
- K. **Off-Premise signs.**
- L. **Any sign that emits any sound, odor or smoke.**
- M. **Any sign which obstructs free ingress or egress to a required door, window, fire escape or other required exit way.**
- N. **Any sign or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction / safety sign.**
- O. **Signs painted on or attached to trees, fence posts, pavement, rocks or other natural features, telephone or utility poles.**
- P. **Abandoned or dilapidated signs.**

#### 22.3.B

- B. Drives or events of a **not for profit**, civic, educational or religious nature are allowed to advertise for a period of two (2) weeks **immediately preceding an event** provided that:
  - ~~1. The sign is non-electric.~~
  - 1. The sign face must be less than thirty-two (32) square feet.
  - 2. They may be located on and/or off premise, provided it is not in the public right-of-way nor causing a traffic hazard (see 22.1 D - Visibility).

#### 22.3.C

- C. New businesses in the City are allowed to advertise with a single sign for a period of ~~(2)~~(3) weeks provided that:
  - 1. The sign is non-electric.
  - 2. The sign face must not exceed thirty-two (32) square feet.
  - 3. The sign is located on premises and is not located in the public right-of-way nor causing a traffic hazard (see 22.1.D - Visibility).

#### 22.3.G

##### **G. Alterations / Maintenance**

**A permit is not required prior to engaging in sign alternations if such alterations involve only:**

- 1. **The changing copy on a permitted changeable copy sign.**
- 2. **The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as it existed on the date such sign received a permit.**
- 3. **Changes of copy by an owner necessary to correctly identify the business, i.e. phone number, etc. as long as the quality and graphics of the original permitted sign remain the same.**

#### **22.4 ~~TEMPORARY SIGNS REQUIRING AN EXEMPT PERMIT~~ SPECIAL EVENT SIGNAGE / DISPLAYS**

22.4.A.5

5. An individual business shall be allowed a maximum of six (6) special event sign permits per calendar year, each of which shall be valid for ~~four (4)~~ **seven (7)** consecutive days starting from the date of registration issuance or as noted on the registration.

22.6.A

- A. Not allowed in the City of Foley **Downtown** Historic Overlay District, regardless of zone.

22.6.G.3

3. Lots with multiple businesses shall be allowed one (1) detached freestanding ECC sign **per public frontage** to service all businesses located on that lot.

22.6.G.5

5. Sign display technology shall be programmed so that the message or image on the sign changes no more than one (1) time per ~~ten (10)~~ **fifteen (15)** seconds.

22.6.H.4

4. **A digital fuel price sign located on a fuel canopy or the front wall of a building that is only used for the display of current fuel pricing is exempt from being counted in 22.6.H.1, however is still subject to 22.6.H.2 & 3.**