



August 22, 2019

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

RE: Zoning Ordinance Amendments Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on August 21, 2019 and the following action was taken:

Zoning Ordinance Amendments

Commissioner Hare made a motion to recommend the Zoning Ordinance amendments to Mayor and Council. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend the Zoning Ordinance amendments to Mayor and Council passes.

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III

PROPOSED ZONING ORDINANCE AMENDMENTS

JUNE 2019 WORKSESSION

DEFINITIONS

Pet Grooming: Any facility in a totally enclosed building where animals are groomed but where overnight boarding is not permitted.

Kennel: A business establishment not operated by a licensed veterinarian, where animals are, bred, raised, groomed, boarded or trained with either indoor or outdoor **overnight** animal retention facilities.

B-1 CENTRAL BUSINESS DISTRICT

Uses/Structures Permitted: Stores selling food, restaurants/drive-in eating places, general merchandise, apparel, furniture, housewares and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair shops; **pet grooming**; offices; banks; post offices and similar services; joint residential and commercial use; any residential use not prohibited; any retail business not specifically restricted herein, places of amusement and assembly, hotels.

- B. Uses/Structures Permitted on Appeal: Automobile filling stations, motels, automobile repair (minor and major), large dry cleaners and laundries, veterinary clinics/hospitals, manufacturing incidental to a retail business where articles are sold at retail on the premises, other uses not specifically restricted herein; self-storage warehouses; home based businesses; and home occupations.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including kennels; poultry and livestock; towing company storage yard; industrial uses not specifically permitted herein; mobile/manufactured dwellings; modular dwellings; R.V.'s; and wholesale businesses.

B-1A EXTENDED BUSINESS DISTRICT

- A. Uses/Structures Permitted: Stores selling food, restaurants/drive-in eating places, general merchandise, automobile filling stations, automobile repair (minor), apparel, furniture, housewares and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; **pet grooming**; offices; banks; post offices; office/warehouses; and similar services; any retail business not

specifically restricted herein; places of amusement and assembly; motels and hotels; joint residential and commercial use, any residential use not prohibited.

- B. Uses/Structures Permitted on Appeal: Automobile repair (major); large dry cleaners and laundries, veterinary clinics/hospitals, manufacturing incidental to a retail business where articles are sold at retail on the premises, other uses not specifically restricted herein; self-storage warehouses.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including kennels; poultry and livestock; industrial uses not specifically permitted herein; travel trailers; mobile/manufactured dwellings; modular dwellings; and wholesale businesses.

B-2 NEIGHBORHOOD BUSINESS DISTRICT

- A. Uses/Structures Permitted: Stores selling food, restaurants, general merchandise, apparel, furniture, housewares and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and pick-up stations; barber and beauty shops; shoe repair; **pet grooming**; offices; banks; post offices; and similar services; automobile filling stations, office/warehouses; drive-in eating places, motels, automobile repair (minor); any retail business not specifically restricted herein; any residential use not prohibited; places of amusement and assembly, and hotels.
- B. Uses/Structures Permitted on Appeal: Large dry cleaners and laundries; veterinary clinics and hospitals; automobile repair (major), manufacturing incidental to a retail business where articles are sold at retail on the premises, wholesale businesses; joint residential and commercial use, self-storage warehouses.
- C. Uses Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including kennels; poultry and livestock; industrial uses not specifically permitted herein, travel trailers; mobile/manufactured dwellings; and modular dwellings.

B-3 LOCAL BUSINESS DISTRICT

- A. Uses/Structures Permitted: Drug stores, restaurants, drive-in eating places, jewelry and gift shops, flower shops, small beauty and barber shops, small dry cleaning and pick-up stations, automobile repair (minor), local laundry and washateria parlors, shoe repair shops, **pet grooming**;

small business and professional offices, residential uses not prohibited herein, and other similar small retail businesses units not specifically prohibited herein.

- B. Uses/Structures Permitted on Appeal: Veterinary clinics/hospitals; kennels; wholesale.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including industrial uses not specifically permitted herein; poultry and livestock; residential use including RV/travel trailer parks, mobile/manufactured dwelling parks, modular dwelling subdivisions; and automobile filling stations.

PO - PREFERRED OFFICE DISTRICT

- A. Uses/Structures Permitted: Any governmental use or structure having characteristics compatible with this district; professional and business offices which shall include, but not be limited to, offices for lawyers, architects, engineers, insurance and real estate companies; research or testing laboratories compatible with other permitted uses; medical and dental offices (including clinics).
- B. Uses/Structures Permitted on Appeal: Schools, clinics, mortuaries, banks, small retail establishments related to the office use such as snack bars and pharmacies provided the sole entrance to such establishment is inside the office structure; and other uses not prohibited.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII; any retail business or establishment that is not related or incidental to the office use or any retail business or establishment that has an entrance other than from inside the office structure; veterinary clinics/hospitals; **pet grooming**, kennels and poultry and livestock.

“FOLEY DOWNTOWN OVERLAY DISTRICT (FDOD)”

LAND USES

- A. Uses/Structures Permitted: Stores selling food; restaurants; general merchandise such as apparel, furniture, housewares and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair shops; **pet grooming**; offices; banks; post offices and similar services; any retail business not specifically restricted herein; hotels/motels; joint residential and commercial use.

- B. Uses/Structures Permitted on Appeal: Manufacturing incidental to a retail business where articles are sold at retail on the premises; and pet stores.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this Section or in Section 13.1.1 or 13.1.2 of Article XIII including kennels; pawn shops; tattoo and body art shops; towing company storage yards; industrial uses not specifically permitted herein; mobile/manufactured dwellings; RV's; and wholesale business.

RESIDENTIAL - MISCELLANEOUS

8.2 FENCES AND WALLS

Fences and walls may be erected, placed and maintained, along lot lines as long as they do not exceed six (6) feet in height in all residential zoning districts, except for R1R, Restricted Residential Single Family and GPH1, Garden Patio Home where an eight (8) foot fence may be permitted. No fence or wall located in a required front yard shall exceed a height of three (3) feet.

Subdivision privacy wood/vinyl fences built by developers must be finished side facing external right-of-ways or a shadow box design.

Privacy wood/vinyl fences built by individual homeowners on single family lots must be built finished side out or shadow box under the following conditions:

- **Facing a public right-of-way**

COMMERCIAL - MISCELLANEOUS

9.3 FENCES AND WALLS

Fences and walls may be erected, placed and maintained, along lot lines as long as they do not exceed six (6) feet in height in all commercial zoning districts. No fence or wall located in a required front yard shall exceed a height of three (3) feet.

Privacy wood/vinyl fences must be built finished side out, facing public right-of-ways or parking areas.

PARKING / LANDSCAPING / BUFFER REQUIREMENTS

10.1.1 USE AND MAINTENANCE OF PARKING LOTS (NON-RESIDENTIAL)

Off-street parking for non-residential uses:

- A. Shall not be used for the parking or storage of automobile trailers.
- B. Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- C. Shall be graded for proper drainage and provided with a surface maintained at all times in such manner as to prevent the release of dust and to be free of dust, trash and debris.
- D. Shall be provided with entrances and exits so located as to minimize traffic congestion.
- E. Shall be lighted in such a manner that they neither unreasonably disturb occupants of adjacent residential properties, nor interfere with traffic yet adequately light the parking area, entrances and exits.
- F. May not have more than one (1) attendant shelter building which shall conform to all setback requirements for structures in the district, and which shelter building shall contain not more than fifty (50) square feet of gross floor area.
- G. May have a sign for identification of the use, provided it complies with the following requirements:
 - 1. Such sign shall not exceed twenty (20) square feet in area, or five (5) feet in height.
 - 2. Such sign may be illuminated by a non-oscillating, concealed light source, but illumination by any spotlight or floodlight shall be prohibited.

USE AND MAINTENANCE OF PARKING AREAS (RESIDENTIAL)

Off-Street Parking for Residential Uses:

- A. Required parking must be designated by pavement, gravel, cross-ties or some similar method.**

SITE PLAN REVIEW

SITE PLAN REVIEW

A zoning site plan review is a procedure designed to assist a developer in interpreting the Zoning Ordinance so that proposed developments will stand a better chance of not violating this Ordinance. Ultimate responsibility for compliance with this Ordinance rests with the land owner, developer, tenant, or person who is responsible for the building, structure, lot or use.

A zoning site plan review shall be required to be made in all cases on new construction, remodeling or refurbishing of existing structures, demolition and rebuilding on existing lots, and the change of occupancy or use of any structure, regardless of the district.

A conceptual review may be performed with the Community Development Director, and/or other City Staff during the planning stages of a project, but this will not be considered a formal review. Formal reviews will only be made on submitted, finalized plans.

Site plans may be required to be submitted to the Planning Commission for input in cases where the proposed development meets the following criteria:

- A. Duplexes where total lot area is a minimum 11,500 square feet;**
- B. Multi-family where total lot area is a minimum of 1 acre;**
- C. Commercial developments where the total area exceeds three (3) gross acres.
- B. Commercial developments where the total structure area exceeds fifty thousand (50,000) square feet.
- C. Places of amusement over three (3) acres.

The Community Development Director and/or other City Staff will review the site plan and advise the applicant of changes that must be made in the plans so as to comply with the Zoning Ordinance. Such changes shall be accomplished prior to the issuance of a building permit. Site plan review is a service to the applicant that is performed by municipal employees and officers in their official capacities. The failure of the reviewing officials to recognize or notice a violation or the incorrect interpretation of the reviewing officials at the site plan review stage shall not prevent or prohibit the City of Foley and these same officials from enforcing

the Zoning Ordinance against an applicant if a structure, lot, or use of land conflicts with this Ordinance.

11.1.1 SITE PLAN CONTENTS

- A. Boundary survey including acreage and easements;
- B. Location of bordering right-of-ways;
- C. Location, occupancy type, square footage, height & setbacks of proposed structures;
- D. Parking spaces including number, size & ADA, sidewalks, loading dock if required, total percent of landscaping.
- E. Schematic with stormwater pond location and basic size.
- F. Location and size of proposed signage.
- G. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet and of such accuracy that one can readily interpret the site plan, and shall include more than one drawing where required for clarity.

R-2 RESIDENTIAL SINGLE FAMILY AND DUPLEX

- A. Uses/Structures Permitted: Single family dwelling units, residential structures containing two family units (duplex), modular dwellings and home based businesses. Excluding townhouses, mobile/manufactured dwellings, recreational vehicles and garden-patio homes.
- B. Uses/Structures Permitted on Appeal: Home occupations.
- C. Uses/Structures Prohibited: Agriculture, poultry and livestock. Any use or structure not specifically permitted or permitted on appeal in this section or in Sections 13.1.1 or 13.1.2 of Article XIII.
- D. Requirements:
- | | |
|---|----------------------------------|
| Minimum Lot Area (single family) | 9,000 square feet* |
| Additional Minimum Lot Area (duplex) | 2,500 square feet* |
| Landscape Requirements (duplex) | 10% of lot area |
| Minimum Lot Width at Building Line | 75 feet |
| Minimum Depth of Front Yard | 30 feet |
| Minimum Depth of Rear Yard | 30 feet |
| Minimum Depth of Rear Yard with Pool/Screen Enclosure | 10 feet |
| Minimum Width of Each Side Yard | 10ft (5 feet on side w/ carport) |
| Minimum Depth of Side Yard Abutting Street | 30 feet |
| Maximum Building Area (% of Gross Lot Area) | 40% |
| Maximum Building Height (feet): | 50 feet |
| Maximum Building Height (stories): | 2 |
| Off-Street Parking Spaces (Per Family Unit) | 2 |
| Maximum Density Per Acre | 4.0 |
- * or meet Health Department requirements.

R-4 RESIDENTIAL SINGLE FAMILY AND DUPLEX

- A. Uses/Structures Permitted: Residential structures containing one or two family units; mobile/manufactured dwelling units, RV's and modular dwellings on individual lots; and home based businesses.
- B. Uses/Structures permitted on Appeal: Home occupations, lodges and clubs not operated for profit; professional and business offices.

C. Uses/Structures Prohibited: Agriculture, poultry, and livestock. Any use or structure not specifically permitted or permitted on appeal in this section or in Sections 13.1.1 or 13.1.2 of Article XIII

D. Requirements:

Minimum Lot Area (single family)	9,500 square feet*
----------------------------------	--------------------

Additional Minimum Lot area (each additional family)	2,000 square feet*
--	--------------------

Landscape Requirements (duplex)	10% of lot area
--	------------------------

Minimum Lot Width at Building Line	75 feet
------------------------------------	---------

Minimum Depth of Front Yard	30 feet
-----------------------------	---------

Minimum Depth of Rear Yard	30 feet
----------------------------	---------

Minimum Depth of Rear Yard with Pool/Screen Enclosure	10 feet
---	---------

Minimum Width of Each Side Yard	10 feet
---------------------------------	---------

Minimum Depth of Side Yard Abutting Street	30 feet
--	---------

Maximum Building Area (% of Gross Lot Area)	40%
---	-----

Maximum Building Height (feet):	50 feet
---------------------------------	---------

Maximum Building Height (stories):	2
------------------------------------	---

Off-Street Parking Spaces (per family unit)	2
---	---

Maximum Density	4.0
-----------------	-----

* or meet Health Department requirements.