



March 21, 2022

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 March 16, 2022 and the following action was taken:

Zoning Ordinance Amendments

Commissioner Hinesley made a motion to recommend the proposed zoning ordinance amendments to Mayor and Council. Commissioner Swanson seconded the motion. All Commissioners voted aye.

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

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

Respectfully,

Melissa Ringler

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

PROPOSED ZONING ORDINANCE AMENDMENTS:

Yellow Highlighted is new text

Blue Highlighted is text to be removed

2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE

Density: The number of separate dwelling units per gross residential acre. For new developments and subdivisions, the number of separate dwelling units in the net residential acreage excluding delineated wetlands, lakes, ponds, and storm water detention / retention facilities shall also be provided.

B1A, B2 & B3 - JOINT RESIDENTIAL & COMMERCIAL USES

Joint Residential & Commercial Use: A joint use is a type of commercial property that includes both commercial and residential space. The residential uses shall be designed so that they are compatible with the commercial uses. Residential and commercial uses shall not occupy the same floor of a building. Residential and commercial uses shall not share the same entrances. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses may be allowed (structures with less than two thousand (2,000) square feet devoted to commercial uses shall be allowed one dwelling unit).

EACH 2,000 SQUARE FEET OF COMMERCIAL MUST BE BUILT FIRST OR SIMULTANEOUSLY WITH EACH FAMILY DWELLING UNIT.

ARTICLE VIII - 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 with the exception of a chain link fence up to four (4) feet.

Wood, vinyl, decorative metal or chain link fences are permitted in all residential zones. Stock type fencing (hog wire, chicken wire, goat wire, livestock & similar), tin / metal panels and razor wire are prohibited in all residential zones except for AO - Agricultural Open Space. See Exhibit C for Examples.

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

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

14.1.6 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.

A. Requirements:

SINGLE FAMILY:

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.

DUPLEX:

Minimum Lot Area (duplex)	11,500 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
Additional Setback from Single Family Residential	5 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
*Parking shall be clearly shown on the site plan as paved, gravel or similar durable surface and marked for the residents use.	
Maximum Density Per Acre	4.0
* or meet Health Department requirements.	

ADDITIONAL REQUIREMENTS FOR DUPLEXES FORM BASED CODE:

The purpose of a Form Based Code is to consider:

- **Neighborhood context - The design should be consistent with, compliment or improve upon the design character of the immediate neighborhood.**
- **Variety of Design - The duplex should incorporate design elements which help break up the mass of the building and provide visual interest.**

The Guidelines are intended to protect viable and stable neighborhoods in keeping with their established character and use.

DEFINITIONS:

Architectural Details - Include but are not limited to: porch railings; column size, taper, base and molding; dormer windows; shutters; transparency; and similar.

Building Facade Recesses - Porches or patios

Landscaping - An area of mixed vegetation along the primary facade facing the street. Landscaping can consist of trees and/or shrubs.

Pedestrian or Vehicular Courtyard - A break in the primary facade facing the street that: recess no more than 50% of the width of the facade; recess a minimum of 8' in depth; and, shall be enclosed on 3 sides by the building facade.

Transparency - All building facades along public frontages shall have a minimum of 20% transparency with glass; All glass facing a public frontage must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted); Glass cannot be made opaque by window treatments (Except for operable sunscreen devices inside the structure within the climate controlled space); and, Security bars on windows or doors shall not be visible from the street.

REQUIREMENTS:

The primary facade facing the street shall include the following:

- Landscaping
- Transparency

The primary facade facing the street shall also include at least one of the following:

- Architectural Details
- Building Facade Recess
- Pedestrian or Vehicular Courtyard

13.5 DUPLEXES (Move to Duplex Section)

DEFINITIONS:

Notch — A setback in the wall plane at least 3' deep and 6' wide for the full height of the primary façade.

Offset — A horizontal wall plane offset of at least 3' extending for the full height of the primary façade.

Projected Entry — An entry that extends from the front wall plane.

Projection — An extension of the front wall plane at least 4' deep and 1' wide for the full height of the primary facade.

Building Design and Height

A. Applicability

1. Every new duplex must be built to include at least one features from each of the following categories:

(a) Site Frontage;

(b) Building Form — Height;

(c) Building Form — Wall; and

(d) Architectural Feature.

2. Every new development may include more than one feature from each category above, in any combination.

B. Site Frontage

1. This section establishes how the primary facade of a building relates to an abutting street or parking area.

2. The Site Frontage must extend across the entire building frontage.

(a) Pedestrian Courtyard

(1) Requirements:

a. An entry courtyard is required as follows:

1. The entry courtyard shall be located at the primary entrance.

2. The width of the entry courtyard counts toward frontage build out.

3. Courtyards shall recess no more than 50% of the building facade.

4. Courtyards shall be enclosed on three sides by the building facade.

5. Courtyards shall be a minimum depth of 8 feet.

Vehicular Courtyard.

(1) Requirements:

a. Courtyards shall recess no more than 50% of the building facade.

b. Courtyards shall be a minimum depth of 8 feet.

c. Courtyards shall be enclosed on three sides by the building facade.

Landscape Area

(1) Requirements:

~~a. The Landscape Area shall be a minimum depth of any required setback or 5-feet, whichever is greater, and may extend to the front property line.~~

~~b. Lawn.~~

~~c. Mixed Vegetation.~~

~~Patio Area.~~

~~(1) Requirements:~~

~~a. Patio Area shall be a minimum depth of any required setback or 5-feet, whichever is greater, and may extend to the front property line.~~

~~Sidewalk Frontage.~~

~~Terrace.~~

~~Additional Setbacks and Maximum Coverage Regulations for Duplexes. In addition to the minimum building setbacks for the district, a duplex (two-family residential structure) must also be separated from a parcel currently improved with a single family residential structure by an additional five foot setback from the property line that is adjacent to the single family residential structure. In addition, the maximum coverage percentage of the footprint of a duplex structure shall not exceed 40% of the lot.~~

~~Duplex Transparency. For any duplex, the following additional regulations apply:~~

~~1. All building facades along public frontages shall have a minimum of 20% transparency with glass;~~

~~2. All glass facing a public frontage must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted)~~

~~3. Glass cannot be made opaque by window treatments (Except for operable sunscreen devices inside the structure within the climate controlled space)~~

~~4. Security bars on windows or doors shall not be visible from the street.~~

ARTICLE XXI - PLANNED DEVELOPMENTS

21.1 RESIDENTIAL PLANNED DEVELOPMENTS:

All residential planned developments shall at a minimum submit the following information at time of site plan / initial zoning or rezoning:

- a. A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area;**
- b. Official letters of commitment of utility services to the proposed development including water, sewer, electric, gas and other utilities.**

21.2 MIXED USE PLANNED DEVELOPMENTS:

All mixed use planned developments shall at a minimum submit the following information at time of site plan / initial zoning or rezoning:

- c. A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area;**
- d. Official letters of commitment of utility services to the proposed development including water, sewer, electric, gas and other utilities.**

R-3 RESIDENTIAL MULTI-FAMILY

A. **Uses/Structures Permitted:** Residential structures containing one or two family dwelling units; apartments containing a maximum of twelve (12) units per acre; recreational uses including club houses, swimming pools, tennis courts, open space and other recreational facilities as are deemed appropriate by the Planning Commission; garages and carports; maintenance buildings to serve only one complex; and home based businesses.

Minimum Lot Area (Multi-Family)	1 Acre
Minimum Lot Width at Building Line	200 feet
Minimum Depth of Front Yard	40 feet
Minimum Depth of Rear Yard	30 feet **
Minimum Width of Each Side Yard	25 feet **
Minimum Depth of Side Yard Abutting Street	40 feet
Maximum Building Area (% of Gross Lot Area)	40 %
Minimum Open Space	25%
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	4
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	12

* or meet Health Department requirements.

~~** Where multi-family is located adjacent to single family residential, the minimum rear yard and side yard shall fifty (50') feet. In addition, structures that exceed two (2) stories shall be set back an additional one (1') foot of height over thirty-five (35') feet, up to a maximum of fifty (50') feet~~

Where multi-family is located adjacent to single family residential, the minimum setbacks shall be a minimum of fifty (50') feet for 1 story. An additional 50' of setback will be required per story. A maximum of 2 stories can be built adjacent to single family residential. Planning Commission may require additional height and

location restrictions adjacent to single family residential including but not limited to a berm & fence. Buffer areas cannot be clear cut without written approval from our Environmental Department (see Environmental regulations for landscaping). A landscape plan will be required as well.

TH-1 RESIDENTIAL TOWNHOUSE

- A. Uses/Structures Permitted: Attached Townhouses and home based businesses.
- B. Uses/Structures Permitted on Appeal: Residential structures including modular dwellings/uses specifically permitted in R-1C zones; garden-patio homes; home occupations.
- C. Uses/Structures Prohibited: 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.

- A. Requirements:

Minimum Area	1 acre
Minimum Lot Area	2,400 square feet*
Minimum Lot Width at Building Line	25 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard (on end unit)	16 feet
Minimum Depth of Side Yard Abutting Street	16 feet
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	15

* or meet Health Department requirements.

Where multi-family is located adjacent to single family residential, the minimum setbacks shall be a minimum of fifty (50') feet for 1 story. An additional 50' of setback will be required per story. A maximum of 2 stories can be built adjacent to single family residential. Planning Commission may require additional height and location restrictions adjacent to single family residential including but not limited to a berm & fence. Buffer areas cannot be clear cut without written approval from our Environmental Department (see Environmental regulations for landscaping). A landscape plan will be required as well.

PUD – PLANNED UNIT DEVELOPMENT

A. PUD Development Requirements

Minimum Lot Area	6,000 sq.ft.
Minimum Lot Width at Building Line	60 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Depth of Rear Yard with Pool/ Screen Enclosure	10 feet
Minimum Width of Side Yard	10 feet
Maximum Building Area (% of Gross Lot Area)	50%
Maximum Building Height	50 feet
Maximum Number of Stories	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	11

E. PUD Development Requirements - Multifamily

Minimum Lot Width at Building Line	25 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard	5 feet
Minimum Depth of Rear Yard with Pool/Screen Enclosure	10 feet
Maximum Building Area (% of Gross Lot Area)	50%
Maximum Building Height	50 feet
Maximum Number of Stories	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14

(Reference Townhome zone for specific requirements for THs)

Where multi-family is located adjacent to single family residential, the minimum setbacks shall be a minimum of fifty (50') feet for 1 story. An additional 50' of setback will be required per story. A maximum of 2 stories can be built adjacent to single family residential. Planning Commission may require additional height and location restrictions adjacent to single family residential including but not limited to a berm & fence. Buffer areas cannot be clear cut without written approval from our Environmental Department (see Environmental regulations for landscaping). A landscape plan will be required as well.

21.3 PDD – PLANNED DEVELOPMENT DISTRICT

- A. **Uses/Structures Permitted:** Hotel, motel, conference center, theater, indoor or outdoor entertainment center, recreation facility, museum, community center, restaurant, night club, bar, shopping center, retail store, retail service, personal service, craft studio, bank, professional office, business office, and other similar tourist related entertainment, recreation, service or commercial uses, class 4 clubs or lodges, churches; daycares and high density residential.
- B. **Uses/Structures Permitted on Appeal:** Automobile filling stations; and amusement parks.
- 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 any residential, commercial, industrial, or agricultural use or structure not specifically permitted by the City Council when zoning an area as a PDD; major automobile repairs; manufacturing; outdoor storage, heavy commercial, industry, adult entertainment, building materials, pawn shops, tattoo parlors, auto body shops, auto sales, parts and services, towing company storage yards and junkyards.
- D. **Requirements:**
- | | |
|---|----------------------------------|
| Minimum District Area | 5 Acres |
| Minimum Buffer on all Project Area Boundaries | 30 feet |
| Minimum Buffer Between Different Uses | 30 feet |
| Maximum Building Area (% of Gross Project Area) | 20% |
| Maximum Building Height (feet): | 85 feet |
| Maximum Building Height (stories): | 6 Stories |
| *Maximum Residential Density per Acre | 30 units
20 units |
| Off – Street Parking (commercial): | See Article X,
Section 10.1 |
| Off-Street Parking (Residential) | 2 per family unit |
| Off - Street Loading | See Article
X, Section 10.1.4 |

***The residential portion of a PDD shall not exceed 30% of the overall site.**

Where multi-family is located adjacent to single family residential, the minimum setbacks shall be a minimum of fifty (50') feet for 1 story. An additional 50' of

setback will be required per story. A maximum of 2 stories can be built adjacent to single family residential. Planning Commission may require additional height and location restrictions adjacent to single family residential including but not limited to a berm & fence. Buffer areas cannot be clear cut without written approval from our Environmental Department (see Environmental regulations for landscaping). A landscape plan will be required as well.

- E. Landscape Regulations: Native vegetation shall be preserved and incorporated into the development, ensuring the preservation of environmentally sensitive areas. A landscaped buffer is required between different uses. It shall be at least 30 feet wide and planted with native materials or trees in groups, to create a visual barrier. This is to be maintained by the developer and/or owner.

21.3.1 PDD – PLANNED DEVELOPMENT DISTRICT

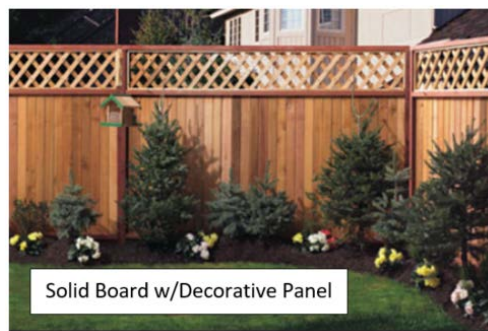
- A. Purpose: The purpose of the Planned Development District is to achieve more flexibility and orderly commercial development in a unified grouping than would be possible through the strict application of the existing business and commercial zoning districts. This district is intended to encourage innovative development that is integrated with adjacent land uses through the zoning approval process.
- B. The PDD should be located to assure maximum compatibility with neighboring developments. It is the intent of the regulations to encourage a cluster of commercial activities and the economical provision of utilities with open space preservation objectives, through the utilization of an overall planned design. Planned Development Districts should be located to minimize traffic impacts; therefore its use is intended for large lot developments and locations along thoroughfares that are capable of handling the proposed traffic.
- C. Requirements: Prior to the rezoning or initial zoning of an area to a PDD district, a conceptual master plan for the entire proposed development, including all phases, must be submitted to the Planning Commission and then to the City Council. PDDs should conform to the City of Foley Comprehensive Zoning Plan and should be located in primarily non-residential zones.
- D. The applicant for any type of PDD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PDD. These may include reduced right-of-way width, clustering of units, reduced lot size and setbacks, use considerations, building height variances, design considerations, etc., and shall also identify the benefits of the PDD, including but not limited to:

- 1. Public Benefits- Traffic and utility improvements, regional and local bicycle / pedestrian improvements, buffering from adjacent sites, aesthetic improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.**
- 2. Private Benefits - Amenities for site users, open space and recreation, clustering of uses, creation of neighborhoods, landscaping, traffic circulation, multi-modal circulation, private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests, enhanced architecture and site layout.**

- E. A Site Plan shall also be submitted to the Planning Commission for each development phase. The proposed development may provide, through an agreeable design, deviations from development standards otherwise applicable under regular zoning district requirements. Minimum setbacks, lot sizes, and height restrictions may be waived, provided that the intent of this article is complied with in the plan. The Planning Commission/ City Council may establish certain restrictions and prohibitions for a particular development when it determines that such is required to preserve the purpose and intent of the Zoning Ordinance.**
- F. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7.**
- G. There shall be a minimum of at least fifteen percent (15%) open space in a PDD exclusive of all drives, walkways, parking areas and required drainage. Access roads and drainage infrastructure, water, sewer, electricity, telephone and other utilities shall be provided to serve the development at the completion of construction of each development phase. Performance bonds may not be posted for drainage and sewer work.**

EXHIBIT C

Fence Guideline Examples – Approved Styles:





Shadow Box



Basket Weave



Panel System



Horizontal Slat



Chain Link



Steel Tube w/Decorative Panel



Plastic Panel



Vinyl Privacy



Cable Fence

Fence Guideline Examples - Disallowed Styles:



Virginia ZigZag



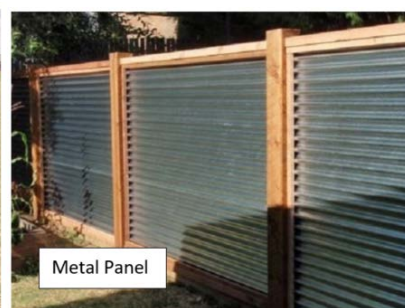
Buck Fence



Bamboo



Steel Tube w/Rails



Metal Panel



Ceiling Tile Fence



Recycled Corrugated Tin



Hog Wire w/ Wood



Wire Mesh w/ Wood



Wire Mesh w/ Metal



Barbed Wire



Poultry Wire



Hog/Cattle/Welded Wire



Electric

Fences for temporary use in Construction Sites only



Construction/Snow Fence



Construction/Silt Fence