

PROPOSED ZONING ORDINANCE AMENDMENTS 8/2014

7.3.2 B-1A EXTENDED BUSINESS DISTRICT

- 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; ~~home-based businesses; and home occupations.~~

7.3.3 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; 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, ~~any residential use not prohibited~~; self-storage warehouses; ~~home-based businesses; and home occupations.~~

7.3.4 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, small business and professional offices, residential uses not ~~specifically permitted on appeal or~~ prohibited herein, and other similar small retail businesses units not specifically prohibited herein.
- B. Uses/Structures Permitted on Appeal: Veterinary clinics/hospitals; kennels; ~~any residential use, including RV/travel trailer parks, mobile/manufactured dwelling parks, and modular dwelling subdivisions; 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 7.1.1 or 7.1.2 of this Article, including industrial uses not specifically permitted herein; **residential use including RV/travel trailer parks, mobile/manufactured dwelling parks, and modular dwelling subdivisions**; automobile filling stations.

8.6 PUD – PLANNED UNIT DEVELOPMENT REQUIREMENTS

8.6.1 PURPOSE

The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare both in the use and occupancy of buildings and facilities in planned groups.

8.6.2 APPROVAL

Subject to the approval of the City Council after a review and report by the Planning Commission and after a public hearing is held, as required for all rezoning applications, planned unit developments may be permitted use in any zone district.

8.6.3 PRE-APPLICATION CONFERENCE

To expedite the review of a planned unit development, coordinate its local review in respect to the provisions of this Ordinance with necessary county, state and federal agency reviews, and to inform the City of a planned unit development in the preparation, a Pre-Application Plan Review shall be processed as required by this ordinance and in accordance with the procedures established by the Community Development Department. The pre-application review will serve several purposes and focus on the following items:

To inform the City of any planned unit development plans in progress together with the scale and character of the plan so that the City may recognize the proposed development in any of its physical or facility planning for the entire City.

To inform the applicant of the City's informal response as to the scale and character of the proposed development and to alert the applicant of any specific areas of concern that the City may have for that specific site or proposed plan.

To clarify and inform both the applicant and the City in respect to the development plan approval procedure including an anticipated application time and review period.

To enable the applicant to inform the City of the requirements, procedures and status of the various county, state and federal agency reviews.

8.6.4 SUBMISSION REQUIREMENTS

In order to provide an expeditious method for processing a plan for a planned unit development under the terms of this Ordinance, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

- A. A rezoning application for a development plan for a planned unit development shall be filed by or on behalf of the landowner with the Community Development Director. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the City to evaluate the impact of the development upon the City. **Once the PUD master plan has been approved, each phase must be approved by staff and the Planning Commission prior to any permits being issued.**
- B. The applicant for any type of PUD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PUD. 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 PUD, 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.

C. The following information shall be submitted with the applications:

1. The location and size of the site including its legal description.
2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
3. The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.
4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.
5. The location, size and character of any common open space, common owned facilities and the form of organization proposed to own and maintain any common open space and common owned facilities.
6. The use and type of buildings, i.e., single-family detached, townhouses, or garden apartments, proposed for each portion of the area included within the outline development plan.
7. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, and storm drainage and sewage collection in preparation for submitting the requirements for preliminary plat approval as set forth in the City's Subdivision Regulations.
8. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
9. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.
10. The provisions for the disposition of open space including its development or non-development character and function.
11. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.

12. Any additional data, plans or specifications as the applicant or the City may believe are pertinent to the proposed planned unit development.

13. An Application and fee as required for processing.

14. **A Master Signage Plan meeting the criteria of Article IX, Section 9.7.**

- D. The application for development approval of a planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be consistent with the City's statement of purposes on planned unit development.

8.6.5 REVIEW PROCEDURE

An application for a development plan of a planned unit development shall be filed with the Community Development Director. Upon receipt of said application, the Community Development Director shall review said application to determine its appropriateness and completeness and accept or reject the application. Upon acceptance of the application, the City's administrative staff shall review said application and submit the application, together with all supporting documentation and their recommendations thereof to the Planning Commission. The Planning Commission shall report on recommendations to the City Council. Once the property has been zoned PUD, and the final plan has been completed, a site plan review must be submitted to the Community Development Director. The final plan must include at a minimum the site plan contents listed in the City of Foley Zoning Ordinance, Section 4.6.1. All permit applications required by the City of Foley Engineering Department and all criteria required by the Community Development Department must be submitted and approved prior to site plan submittal. Once a final plan has been reviewed and approved by staff, it will be placed on the next Planning Commission meeting for their review.

8.7 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. 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.

- B 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. 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. **A Master Signage Plan meeting the criteria of Article IX, Section 9.7.** There shall be a minimum of at least fifteen percent (15%) open space in a PDD exclusive of all drives, walkways, and parking areas. If the plan or any part thereof constitutes a subdivision, the land shall be subject to the requirements of the City's Subdivision Regulations. 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.

8.8 PID – PLANNED INDUSTRIAL DISTRICT

- A. Purpose: The purpose and intent of the Planned Industrial District (PID) is to provide for a comprehensively planned district for the orderly growth and development of certain industrial uses which are, by virtue of controls, mutually harmonious with other industries permitted in the District and also harmonious with residential, commercial, and other uses permitted in nearby districts.
- B. Approval: Subject to the approval of the City Council after a review and report by the Planning Commission and after a public hearing is held, as required for all rezoning applications.
- C. Submission: A rezoning application for a development plan of a PID shall be filed with the Community Development Department. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development. The following information shall be submitted with the application:

1. The location and size of the site including its legal description.
2. The recorded ownership interests including liens and encumbrances.
3. The relationship of the site to existing development in the area, and physical features of the land.
4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.
5. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, storm drainage and sewage collection in preparation for submitting the requirements for preliminary plat approval as set forth in the City of Foley Subdivision Regulations.
6. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.
7. Any additional data, plans or specifications as the applicant or City may believe are pertinent to the proposed PID.
8. **A Master Signage Plan meeting the criteria of Article IX, Section 9.7.**

D. Performance Standards:

The following performance standards shall be required for all uses located in the Planned Industrial District:

1. Air Pollution – Every use shall be so operated as to comply with the emission limitations specified by Federal, State, City and other applicable ordinances.
2. Odor – No odors shall be emitted that are detectable without instruments at or beyond any property line.
3. Vibration – Maximum permitted vibration from any cause shall not exceed the following, when measured at the lot line:

Frequency (Cycles per Second)	Displacement (Inches)
10 & below	.0008
10 – 20	.0005

20 - 30	.0003
30 – 40	.0002
40 – 50	.0001
50 & above	.0001

4. Noise – Every use shall be so operated as to comply with Federal, State, City and other applicable ordinances.
5. Fire and Explosion Hazard– All activities and all storage of flammable and explosive materials shall be in accordance with the National Board of Fire Underwriters publications and other local ordinances.
6. Glare – No direct or reflected glare shall be produced so as to be visible at or beyond any lot line.
7. Radiation – Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the Alabama Department of Public Health, Bureau of Radiological Health and other applicable ordinances.
8. Radioactive Materials–The handling of radioactive materials, the discharge of such materials into air or water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Alabama Department of Public Health, Bureau of Radiological Health and other applicable ordinances.
9. Electromagnetic Interference– Industries shall emit only that amount of unshielded spurious electromagnetic radiations as is necessary for the conduct of their operations. Federal Communications Commission requirements shall govern maximum radiation which tends to interfere with meaningful signals.
10. Water Pollution – No effluent shall be discharged in any stream.
11. Waste – All industrial wastes shall be treated and disposed of in such a manner as to comply with all federal, state, city and other applicable standards.

ARTICLE IX, SECTION 9.7:

A Master Signage Plan (MSP) is designed to benefit the community in administering its sign regulations. A Master Signage Plan is required for the following zoning designations: Planned Unit

Development (PUD), Planned Development District (PDD) and Planned Industrial District (PID). The Planning Commission will review the location, size and other information to approve ground signs in common areas advertising specific businesses within a development. The information required includes:

- A. An accurate plot plan of the Development at a legible scale;
- B. Location of signage common areas, buildings, parking lots, driveways, amenities, landscaped areas and other;
- C. An accurate indication of the proposed location of each present and future sign.
- D. Size of the total Sign Face Area, the area of each individual sign, the height of the signs, an outline of the Sign Structure.
- E. Documentation of who will be responsible for the maintenance and upkeep of the ground signs.

ARTICLE IX, SECTION 9.10

- A. Billboards, provided, however, the Planning Commission may, as part of its approval of 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 ~~in lieu of locating their ground sign on premises.~~