

AMENDING THE CITY OF FOLEY ZONING ORDINANCE

WHEREAS, the City of Foley, Alabama, adopted Ordinance No. 387-87 on June 15, 1987, ordaining a new Zoning Ordinance and Zoning Map for the City of Foley which has subsequently been amended, and

WHEREAS, the City of Foley Planning Commission has recommended changes within the current Zoning Ordinance, and the City Council of the City of Foley deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance, and

WHEREAS, all requirements to the laws of the State of Alabama, with regard to the preparation of the report of the Foley Planning Commission and subsequent action of the City Council have been met,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA while in regular session accepted the following changes:

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.

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, self-storage warehouses.

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 prohibited herein, and other similar small retail businesses units not specifically prohibited herein.
- B. Uses/Structures Permitted on Appeal: Veterinary clinics/hospitals; kennels.
- 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

8.6.4 SUBMISSION REQUIREMENTS

- 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:

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

8.7 PDD – PLANNED DEVELOPMENT DISTRICT

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

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:

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

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.

14.15 “FOLEY BEACH EXPRESS OVERLAY DISTRICT (FBEOD)”:

The FBEOD focuses on providing good traffic flow by incorporating limited access along the roadway and easy ingress/egress to developments. The FBEOD establishes a defined corridor for appropriate consideration of annexation, zoning, and overall consistency of architectural and streetscape elements. The Future Land Use map recommends the following land uses: Mixed Use: Commercial/Residential; Retail Commercial Nodes at Major Intersections; Greenspace/Greenway as Civic or Public Benefit; and Industrial Parks. The intent is to foster an atmosphere of creative development allowing the Foley Beach Express to become a destination for living, recreation and working.

14.16 APPLICABILITY:

The FBEOD is established to serve as an overlay to the established base zoning district. Except as modified by the FBEOD, the provisions of the base district shall apply to all

development within the boundary. In the event the regulations conflict, the applicable FBEOD regulations shall apply.

14.17 ESTABLISHMENT OF FBEOD BOUNDARIES:

A map of the FBEOD overlay boundary is included in the Zoning Ordinance.

14.18 LAND USES:

- A. Uses/Structure Permitted based on individual zoning districts including: Stores selling food; restaurants/drive-in eating places; 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; offices; banks; post offices and similar services; automobile filling stations; auto repair, minor; major automobile dealerships with incidental repair services; any retail business not specifically restricted herein; places of amusement and assembly; hotels/motels; joint residential and commercial use; any residential use not prohibited; office/warehouses; professional offices; mixed uses based on approved PUD and PDD.
- B. Uses/Structures Permitted on Appeal: Manufacturing incidental to a retail business where articles are sold at retail on the premises.
- 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 kennels; pawn shops; tattoo and body art shops; towing company storage yards; automobile repair, major; industrial uses not specifically permitted herein; and mobile/manufactured dwellings.

14.19 SITE LAYOUT:

Proposed development must submit to the Planning Commission for approval a detailed site layout plan or master plan. Each development should have an individualized layout and street grid pattern supporting internal traffic circulation with limited access to the Foley Beach Express and alternative access to feeder roads and adjacent residential areas.

Site Plan Contents:

- A. Most recent survey showing all property boundaries and easements.
- B. All bordering streets, avenues, roadways, or other public ways.
- C. Parking lots, ingress and egress, proposed and existing landscaping.

- D. Placement and dimensions of proposed and existing structures.
- E. Proposed colors and facades of structures.
- F. Locations and types of signage.
- G. Use/Occupancy type of the property and structures.
- H. Tax parcel number of lot or lots proposed for use.

14.20 BUILDING SCALE:

Building heights including parapets and other architectural embellishments should be varied reflecting the individualized character of retail architecture. All street level units should serve a retail or commercial purpose; upper stores may serve additional retail, commercial, professional office space or residential uses.

14.21 BUILDING ORIENTATION:

No matter which way a structure faces, buildings adjacent to the Foley Beach Express should present an architectural façade, or use landscaping areas, on the Foley Beach Express side of the structure for aesthetic appeal. In some developments it may be appropriate to incorporate service alleys for facilitating development of multiple-sided street frontages. However, other parts of a development may benefit from holding street activity to one side, while the back side may incorporate a parking deck or other parking facilities as well as service accommodations.

14.22 ACCESS AND ENTRY POINTS:

While primary entry points would relate to major intersections along the Foley Beach Express, site development patterns should facilitate internal traffic circulation and incorporate multiple options for gaining access to and from the development. This reduces the need for local traffic on the Foley Beach Express by ensuring connection to the surrounding neighborhoods. Entry points should address the Foley Beach Express with Gateways. Entry streets should contain building facades oriented in a manner to provide interest to the Foley Beach Express travelers.

14.23 ARCHITECTURAL STYLE AND EXTERIOR FINISHES:

All exterior finishes should reflect local or regional design, consistent within the development. As with building heights, materials, size and placement of windows and doors, awnings, overhangs and paint selections should be varied throughout the development. The plan would discourage the City from approval of architectural specifications which contain repetitive features often referred to as “cookie cutter” design schemes.

14.24 PARKING DESIGN WITH TREE CANOPY AND GREEN BUFFERS:

Traditional street front parking should be incorporated for purposes of convenience and in keeping with the typical and desirable look of an active, populated, and vibrant town center. Additional parking should be buffered with landscape and vegetated material in accordance with City landscape standards.

14.25 WALKABILITY, BIKING AND OTHER ALTERNATIVE MODES OF TRANSPORTATION:

The City encourages sidewalks, bicycle accommodations and other methods of alternative transportation. Sidewalks should be of comfortable width (in no case less than five (5') feet) and may have varied surfaces ranging from concrete to brick and stone. Sidewalks and bike lanes should connect throughout any development and adjacent neighborhoods. Attractive bicycle racks should be incorporated throughout the development. The adopted Bicycle and Pedestrian Plan should be used as a guideline.

14.26 PROPOSED GREENWAYS:

If applicable, each site review should include connection to the proposed greenway system adopted as part of the City of Foley Comprehensive Plan.

14.27 SIGNS:

Sandwich-type board signs are allowed on the sidewalk/right-of-way but shall not be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. The signs are only allowed during the hours the business is open to the public and must be placed in front of the store front. The signs cannot exceed six (6) square feet.

14.28 DISPLAYS:

Merchandise may be allowed on the sidewalk/right-of-way but shall not be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. Only merchandise permitted to be sold on the premises may be displayed outdoors. Merchandise is only allowed during the hours the business is open to the public and must be placed directly at the store front.

14.29 OUTDOOR DINING:

Sidewalk dining areas, extending from existing restaurants, on the public right-of-way must be approved by City Council. The areas cannot be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. The number of allowable outdoor seats shall be no greater than thirty (30) percent of the total permitted

occupancy inside the restaurant. This use may require temporary buffers for the safety of the diners.

14.30 MOBILE MERCHANDISE VENDORS:

Temporary approval may be granted on the sidewalk/right-of-way but must be approved by City Council. The vendors cannot be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. Vendors must have proper licenses to operate including but not limited to a City of Foley business license.

14.31 MOBILE FOOD/SIDEWALK/STREET VENDORS:

Temporary approval may be granted on the sidewalk/right-of-way but must be approved by City Council. The vendors cannot be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. Vendors must have proper licenses to operate including but not limited to a City of Foley business license.

14.32 ALABAMA COASTAL CONNECTION SCENIC BYWAY:

The purpose of the Alabama Coastal Connection Scenic Byway is “to identify, preserve, protect and enhance scenic, historic, natural, recreational, cultural and archaeological resources; enhance recreation; and, promote economic development through tourism and education in the history, culture and natural beauty of the City of Foley and coastal Alabama.” A map of the Byway can be found at www.alabamacoastalconnection.com.

PASSED, ADOPTED AND APPROVED this day of