

ORDINANCE NO.

AMENDING THE CITY'S ZONING ORDINANCE

WHEREAS, the City of Foley, Alabama, adopted Ordinance No. 387-87 on June 15, 1987, ordaining a 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:

Definitions:

Towing Company Storage Yard: Each towing company shall have adequate storage space to provide safe-keeping for a minimum of fifteen (15) wrecked, disabled or impounded vehicles. This space shall be enclosed by a six (6) foot chain link fence or wall with a gate under lock and key.

7.1.4 Parking Requirements:

A. Off-street automobile parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use as herein provided.

B. The required number of parking spaces for any number of separate uses may be combined in 1 lot, but the required space assigned to 1 use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

C. These standards shall not apply to B1, Central Business District, where on-street parking is provided.

D. Parking Schedule:

1. One, two, and multi-family dwellings; manufactured housing park – 2 spaces for each dwelling unit.

2. Hotels, motels, and tourist homes – 1.25 spaces for each guest bedroom.

3. Churches, auditoriums, stadiums, ball fields, civic centers and similar uses - 1 parking space for each 5 seats.
4. Schools – Elementary or middle school – 2.5 spaces per classroom. High school - 7 spaces per classroom.
5. Hospitals, nursing homes, homes for aged and similar uses - 1 space for each 4 beds.
6. Industrial/manufacturing – 1 space for each 500 sq ft of gross floor area.
7. Warehouses – 1 space for each 1,000 sq ft of gross floor area.
8. Restaurants – 1 space for each 4 seats.
9. Accessory Dwelling Units – 1 space each unit.

Any use not specified by this ordinance shall require 1 parking space for each 400 sq ft of gross floor area in the building.

7.3.1 B-1 Central Business District

A. 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; offices; banks; post offices and similar services; 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; 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; joint residential and commercial use; any residential use not prohibited; 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 7.1.1 or 7.1.2 of this Article, including kennels; **towing company storage yard**; industrial uses not specifically permitted herein; mobile/manufactured dwellings; modular dwellings; R.V.'s; and wholesale businesses.

D. Requirements:

~~Off-Street Parking (commercial): 1½ space for each 200 sq. ft floor space~~

~~Off-Street Parking (residential) 2 spaces per family unit~~

~~Off-Street Loading: See, Article VI, Section 6.10.4.~~

7.5 Light Industrial District (M-1)

A. Uses/Structures Permitted: Buildings used for the operation of light industrial, fabricating, processing, assembling and manufacturing, bottling and distribution plants, woodworking shops, cabinet shops, contractor or building material yards, highway maintenance yards and buildings, laundry and dry cleaning plants and printing establishments.

B. Uses/Structures Permitted on Appeal: Any use permitted in districts B-1, B-2, or B-3, and other industrial or commercial uses not specifically prohibited; self-storage warehouses **and towing company storage yards.**

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 any residential use or structure, except that of a watchman or caretaker; storage of junk or wrecked automobiles other than for repair or service, explosive products manufacture, garbage disposal plants or sanitary landfills.

7.8 Planned Unit Development (PUD)

7.8.1 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.

7.8.2 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.

7.8.3 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.

7.8.4 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.

B. The applicant for any type of PUD shall provide 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:

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.

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.

7.8.5 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.

7.8.6 Requirements

A. A single family PUD must have a minimum of two (2) or more contiguous acres that are not separated by any right-of-way.

B. PUDs will not increase density but should attempt to create larger and more significant open spaces through the use of reduced lot sizes, setbacks, clustering of dwellings, etc.

C. Principal Uses: PUDs may have a mixture of principal uses selected from any of the following categories:

1. Residential Uses: Single family dwellings, attached dwellings, Townhomes and multi-family dwellings.
2. Neighborhood Commercial Uses: : Commercial retail and services to include health clubs, child day care and adult day care, cafes, drinking establishments and restaurants including those with outdoor seating, professional services such as real estate, insurance, doctors, dentists, attorneys, architects, engineers, and lawyers, convenience goods such as groceries, drug stores, boat store, ~~boat repair~~, ice cream shops, snack shops, card shops, gift shops, framing studios, beer and liquor sales, laundry and dry cleaners, hardware stores, apparel stores, art studios, artist supplies, florists, bookstores, newsstands, and video/electronic rentals, and other similar uses that are related to needs of residents and employees in the area.
3. Civic and Institutional Uses: Places of assembly, places of worship, schools, public facilities, non-profit service agencies, assisted living facilities, hospitals and medical facilities with related offices, health centers, nursing homes, and related offices, parks, open space, outdoor and indoor recreation.

4. Accessory Uses: Garages, parking garages, carports, residential storage buildings, bikeways, trails, golf courses, swimming pools, tennis courts, and other forms of outdoor recreation community room, exercise or health club, video/game arcade and other forms of indoor recreation, clubhouses and incidental parking.
5. Prohibited Uses. Outdoor storage, heavy commercial, industry, adult entertainment, ~~motion picture theaters~~, building materials, pawn shops, tattoo parlors, auto body shops, auto sales, parts and services, **towing company storage yards** and junkyards.
6. Residential Lot Size: No minimum lot size is required so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features. However if public water and sewer is not available, Department of Public Health regulations must be met.
7. Open Space Reservation: Not less than 25% of the PUD site shall be reserved collectively in contiguous units accessible to all the building sites in the PUD and maintained by the property owners for open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and for conserving visually pleasing elements of the environment. This open space does not include areas reserved for drainage purposes. If the PUD is developed in stages, the amount of open space reserved and developed for use in each stage will constitute no less than an equivalent proportional amount to the area being developed.
8. Municipal Responsibility: Nothing in this section shall be construed as a responsibility or liability of the City of Foley to construct, operate, or maintain any private street, drainage, open area, park, recreational facility, or any other facility in the PUD, and a hold harmless clause to this effect shall be incorporated into the covenants and deeds running with the land. The developer/owner(s) may dedicate and petition the City Council for City maintenance of streets if they are built to City specifications; however, the City is under no obligation to accept these.
9. Appearance of Public Facilities: All utility structures and other public facilities in the PUD shall be architecturally compatible and landscaped in keeping with the overall design and appearance of the PUD as approved by the Planning Commission.

D. PUD Development Requirements:

Minimum Lot Width at Building Line:	40 feet
Minimum Depth of Front Yard:	15 feet
Minimum Depth of Rear Yard:	20 feet
Minimum Width of Side Yard:	10 feet (Combination of both sides)
Maximum Building Area (% of Gross Lot Area):	50%
Maximum Building Height:	50 85 feet
Maximum Number of Stories:	3 6
Off-Street Parking Spaces (per family unit):	2
Maximum Density Per Acre:	11

7.9 Planned Development District (PDD)

E. 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 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; amusement parks; **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.**

F. 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):	50 85 feet
Maximum Building Height (stories):	4 6 Stories
Off - Street Parking (commercial):	½ space per 200 sq ft of floor space
Off - Street Loading See, Article VI, Section 6.10.4.	

9.9 Signs Prohibited in the City

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 nonconforming or unlawful:

- A Billboards
- 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. Beacons, and Revolving Signs.
- D. 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.

- E. 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; pennants; handheld signs; caricature signs; inflatable's; umbrellas (used for advertising), except those permitted as Special Event Signs.
- F. Flashing signs, traveling lights or intensely lighted signs.

9.10 Special Event Signs/Displays

Special use or event signs and displays are to be permitted but only under the following conditions and requirements:

- A. Prior to use of such special event signs/displays, and the erection and placement of any such temporary signs/display, the sign/display shall be registered with the Community Development Department. Such signs/displays shall be specifically described in writing as to their type and reason for special event. **Signs shall not exceed five (5) feet in height. For all lots containing multiple businesses, the property owner shall be responsible for all signage placed on the property, regardless of who erects the sign. Such signs shall not be illuminated.**
- B. The following types of signs/displays which attract attention to a particular business may be registered as special event signs/displays; balloons and inflatable's; feather flags; pennants; hand-held signs; caricature signs; **A or T frames; menu and sandwich board signs; umbrellas; banners; plastic wire frame signs; flags.**
- C. The maximum size allowance for balloon and inflatable signs is **one (1) sign, ~~thirty (30)~~ ten (10)** feet in height from grade. The maximum size allowance for hand-held signs is **one (1) sign**, six (6) square feet in sign face. **The maximum size allowance for banners, plastic wire frame, A or T frames, menu and sandwich board signs is one (1) sign, twelve (12) square feet. The maximum size allowance for flags, not otherwise exempt, is one (1) flag, fifteen (15) square feet.** The maximum amount of feather flags or pennants is two (2) per business. **The maximum size allowance for umbrellas is 8' in diameter.**
- D. All such signs shall not be placed within ten (10) feet of the street right-of-way or in any other way as to obstruct the view of motorists or pedestrians.

- E. ~~An lot/individual business shall be allowed a maximum of four (4)~~ **six (6)** special event sign permits per calendar year, each of which shall be valid for ~~forty-eight (48) consecutive hours~~ **four (4) consecutive days** starting from the date of registration issuance or as noted on the registration. ~~Special event signs/displays shall be allowed a minimum of three (3) months apart.~~

9.11 Temporary Signs

The following temporary signs (any sign that is used only temporarily and is temporarily attached to supports) are allowed with the following conditions, and do not require a permit. ~~Unless otherwise provided herein, each parcel containing multiple businesses shall be allowed not more than (4) temporary signs. Temporary signs shall not exceed a total of twelve (12) square feet in area per business. Signs shall not exceed five (5) feet in height. For all lots containing multiple businesses, the property owner shall be responsible for all signage placed on the property, regardless of who erects the sign. Such signs shall not be illuminated.~~

- A. Non-electric signs, with less than thirty-two (32) square feet of sign face, are permitted for a period of two (2) weeks, when advertising drives or events of a civil, educational or religious nature are involved. They may be located on and /or off premise.
- B. Each new business in the City is permitted one (1), non-electric sign, not to exceed thirty-two (32) square feet of sign face area, for a period of two (2) weeks provided it is not located on a public right-of-way nor causing a traffic hazard.
- C. ~~One (1) Banner, not to exceed twelve (12) square feet in area, may be allowed if properly maintained.~~
- D. ~~Plastic Wire Frame Signs, with total sign face areas not to exceed twelve (12) square feet may be allowed.~~
- E. ~~One (1) flag, not otherwise exempt, may be allowed not to exceed fifteen (15) square feet (3' X 5') in addition to the allowances of the temporary sign requirements.~~
- F. Real Estate Signs:
1. On-Premise Real Estate "For Sale" or Rental Signs (Residential): Two (2) off-premise signs per residential property advertising the sale or rental are permitted provided such signs do not exceed four (4) square feet of copy area. Such signs shall not be permitted for a period longer than thirty (30) days after closing the sale or rental of the property.
 2. Off-Premise Real Estate or Rental Signs (Residential): Two (2) off-premise signs per residential property advertising the sale or rental are permitted provided such signs do not exceed four (4) square feet of copy area. Such signs shall not be permitted for a period longer than thirty (30) days after closing the sale or rental of the property

3. On-Premise Real Estate "For Sale" or "For Rent" Signs (Commercial): One real estate "For Sale" or "For Rent" sign for commercially zoned properties is permitted. Another sign is permitted for each additional 500 feet of frontage, provided such sign(s) is (are) located entirely within the property and does (do) not exceed thirty-two (32) square feet of copy area. Such sign(s) shall be removed within thirty (30) days of closing the sale or rental.
4. Off-Premise Real Estate "For Sale" or "For Rent Signs (Commercial): One (1) off-premise sign advertising the selling or rental of such property is permitted, provided such sign does not exceed four (4) square feet of copy area. Such sign shall be removed within thirty (30) days of closing the sale or rental.
5. Construction Signs: Non-illuminated signs with less than thirty-two (32) square feet of sign face are permitted for a period beginning no sooner than actual demolition or construction activities begin and continuing until no later than the permanent sign is erected or the certificate of occupancy is issued, whichever comes sooner, provided said sign is not located on a public right-of-way nor causing a safety or traffic hazard.
6. Model Homes: Temporary A-frame signs shall be allowed in residential zones only to be located on the lot of the model home during the business hours in which an agent(s) is present.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2012.

John E. Koniar, Mayor

ATTEST:

Vickey Southern, CMC
City Clerk

The instrument prepared by the office of the Foley
City Clerk, 407 East Laurel Ave., Foley, AL 36535.

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of _____."

Vickey Southern, CMC
City Clerk