

..Title

(Second Reading) Zoning Ordinance Amendments

..Body

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:

ARTICLE II - DEFINITIONS:

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products. This does not include small gardens for personal use (see definition).

Amusement: A recreational facility providing family-oriented entertainment which may include the following: rides, games, water slides, wave pools, boats, performing animals, zoos, aviaries, botanical gardens, museums, theme villages, golf courses, miniature golf courses, theaters, mini-railroads and similar uses.

Assembly, Places of: Land or buildings arranged for public assembly or for religious purposes such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Automobile Repair, Minor: A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Automobile Repair, Major: A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body

work, upholstery work, fabrication of parts or rebuilding of engines.

Building Area: That portion of a lot located inside all the required setbacks and within all the other restrictions on which a particular type of structure or building is permitted by this Ordinance. The building area on one lot may differ depending on the type of structure or building is considered (e.g., accessory structures may be allowed in areas a principal structure is not **allowed**). The building area shall not include areas on which no structure or building can be built or located, such as areas designated or dedicated for storm water retention/detention, open ditches, wetlands, and other such areas.

Foley Directional Signs: Signs erected by or on behalf of the City of Foley in the ~~Foley Beach Express~~ **the public** right of way pursuant to City ordinances and regulations directing travelers to business locations from intersections.

Garden: A garden is defined as a space where plants or fruits and vegetables are grown for personal use, not for wholesale distribution.

Livestock: The term "livestock" or "animal" shall refer to equine or equidae, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs.

Mobile Vendors: Offering or soliciting for sale, or the attempted or actual sale of, foodstuffs, goods, wares, merchandise, labor or services by any person on foot, from a temporary structure (such as a stall, tent or table), or from a vehicle (such as a motor vehicle, bicycle, scooter, trailer, cart, wagon or other form of conveyance).

Mobile Food Vendor: A vehicle-mounted food service establishment designed to be readily moved.

Open Space: Land which is landscaped or left in a natural state and is intended for natural or scenic preservation and/or active/passive recreational uses and their accessory structures.

Overlay District: A zoning district that encompasses one or more underlying zones and that may vary the requirements, uses and standards of the underlying zone.

Planned Unit Development (PUD): A specific zoning district that is subject to this Ordinance and to additional restrictions, which may be imposed by the City Council when created. This is designed to be primarily a residential development.

~~**Planned Unit Development, Non-Residential:** A specific zoning district that is subject to this Ordinance and to additional restrictions, which may be imposed by the City Council when created. This is designed to be primarily a non-residential development.~~

Poultry: Domesticated fowl collectively, especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl.

Public Uses: Building, structures and uses of land by a unit of government,

including but not restricted to government administration, thoroughfares, libraries, parks, playgrounds, recreation centers, fire stations and other similar uses.

Sidewalk Vending Unit (Pushcart): A mobile food vendor business in which food that is prepared elsewhere and ready for consumption at the point of sale, is sold from or out of a non-motorized mobile piece of equipment or vehicle that is removed each day from the location where the food is sold.

Sign, Billboard: An off-premise or off-site sign, **other than a locator sign**, advertising an establishment, merchandise, product, service, entertainment, etc. which is not sold, provided, manufactured or furnished on the property on which said sign is located.

~~**Sign, Locator:** A sign which identifies multiple businesses located within a structure, shopping center or complex.~~

Sign, Temporary Locator: One sign which identifies one or more businesses located within an unfinished shopping center or commercial complex which is shared by the existing businesses in the shopping center or complex and which is located on a part of the shopping center or complex and which is intended to remain only until other users in the shopping center or complex are identified and a permanent Locator Sign can be erected in its place.

Sign, Multi-Tenant Locator: A single ground sign which identifies multiple businesses which are all tenants in a single structure, shopping center or complex. A Multi-Tenant Locator Sign must be located on the property that is being leased by the businesses who are displayed on the sign face.

Sign, Shopping Center: See Sign, **Multi-Tenant** Locator.

Street Vending Unit (Food Truck): A mobile food vendor business in which food that is prepared and made ready for consumption at the point of sale, is sold from or out of a motor vehicle that is removed each day from the location where the food is sold.

Temporary Structure: A structure that is intended to be temporary or is capable of being moved from one location to another whether the structure is located on the premises of a fixed facility or whether the stand is located on a lot used for business purposes. A structure that is not attached to a permanent foundation.

Wholesale: Sale of products primarily to retailers, other merchants, or industrial, institutional, and commercial users mainly for resale or business use.

Yard: The open space on a lot not covered by the footprint of any principal structure or building. Yards shall be measured from the wall of the structure to the property line using a straight line, and where a minimum size yard is required, the yard shall be the shortest distance between the structure and the property line. If a-

structure or building has an overhang that exceeds thirty (30) inches, the yard shall be measured from the end of the overhang to the property line, plus thirty (30) inches. (Thus, if a ten (10) foot side yard is required and the roof will overhang five (5) feet from the structure's wall, the wall must be located twelve and one half (12-½) feet from the side property line to meet the minimum side yard setback.)

- A. Front Yard: The yard extending across the entire width of the lot between the main buildings, including covered porches, and the ~~street side lot line or~~ **front** property line. On corner lots, the narrower or shorter frontage side shall be considered the front regardless of the location of the main entrance of the dwelling. Where both frontages on a corner lot are equal in size, the front yard shall be the side on which the majority of lots front on that block.
- B. Rear Yard: The yard extending across the entire width of the lot between the main buildings, including covered porches, and the rear ~~lot line or~~ property line. This is on the opposite side from the front yard.

ARTICLE III - SECTION 3.3:

<u>Designation</u>	<u>General Use</u>	<u>Specific Use</u>
R-3P	Residential Zone	Multi-Family Planned
FH	Flood Hazard Zone	Flood Prone Area
OSP	Parks/Public Land	Open Space/Preservation
District		
FDOD	Foley Downtown	Overlay of Downtown District

ARTICLE IV - SECTION 4.6:

- B. Commercial developments where the total structure area exceeds ~~thirty thousand (30,000)~~ **ten thousand (10,000)** square feet.
- C. **Places of amusement over three (3) acres.**

ARTICLE V - SECTION 5.2:

- B. A ~~minimum of ten (10) days~~ **P**rior to the Planning Commission meeting at which the rezoning is to be initially considered, the Community Development Director shall notify all adjacent property owners and the applicant of the requested rezoning by sending notice via certified mail.

ARTICLE VI - SECTION 6.1.2:

- E. Every building hereafter erected or altered shall be located on a lot as herein defined. Only one (1) principal building and its customary accessory building may be erected on any lot in any R-1R, R-1A, R-1B, R-1C, R-1D ~~single-family~~ and R-2 single-family and duplex residential districts. Accessory structures shall not include kitchen facilities; unless an approved Accessory Dwelling Unit has been approved by the Board of Adjustment and Appeals.

SECTION 6.2:

6.2 — CORNER VISIBILITY

~~Notwithstanding any other provisions of this Ordinance, no building, structure, fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two (2) and one-half (2 ½) feet and fifteen (15) feet above grade level may be permitted within twenty-five (25) feet of the intersection of any combination of streets, alleys or driveways.~~

SECTION 6.8.3:

ACCESSORY STRUCTURES

No accessory structure shall be erected in any front yard or any street-side yard on a corner lot. Accessory structures: shall not exceed two (2) stories in height; shall not cover more than thirty percent (30%) of the required yard in which it is located; and shall be at least five (5) feet from all lot lines and ten (10) feet from any other structure on the same lot.

SECTION 6.9:

TEMPORARY/MOBILE STRUCTURES USED FOR BUSINESS:

- A. Vendors may operate on private property with written permission from the property owners. The parcel must be zoned for non-residential uses or may be placed on public property within approved overlay districts. Any public property use must be approved by Mayor and Council prior to any permits being issued.
- B. Mobile food vending units shall be located at least ten (10) feet away from the nearest building unless otherwise approved by the City of Foley Fire Department. Vendors shall serve only walk-up customers, not customers in a motor vehicle; shall not broadcast loud music or advertisements; no signage is allowed except signage affixed to the mobile vending unit identifying the vendor and menu/price information; and, vendors must provide for adequate waste collection from their customers. Vendors must operate in a safe and sanitary manner approved by the Alabama Health Department.

SECTION 6.10.1:

- ~~B. For each apartment building having over fifty (50) dwelling units: 1 space.~~
- ~~€B. For each auditorium, convention hall, exhibition hall, museum, hotel, apartment hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:~~

SECTION 6.13:

FENCES ~~AND~~ WALLS AND HEDGES

Fences and walls may be erected, placed **and** maintained, and hedges may be planted and allowed to grow along lot lines so long as they do not exceed seven (7) feet in height, **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 where an eight (8) foot fence may be permitted.** ~~except in a GPH-1 or TH-1 Districts where they can be eight (8) feet high.~~ No fence **or** wall, ~~or~~ hedge located in a required front ~~or~~ street side yard shall exceed a height of three (3) feet. ~~No fence, wall or hedge located within twenty-five (25) feet of an intersection of any combination of streets, alleys or driveways shall exceed two and one half (2½) feet, with the exception of wire fencing.~~

SECTION 6.15:

BUFFERS

Buffers shall be provided in accordance with the requirements of Tables 6.15.4 and 6.15.5 and as described in this section. In cases where buffers are required or deemed necessary for the protection and/or separation of uses on abutting lots, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the reviewing authority in individual cases. For the purposes of the **this** Section, "fences" and "walls" shall have the same meaning, but shall not include the term "retaining wall".

SECTION 6.17:

METAL BUILDING FACADES

All metal buildings constructed along major arterial, minor arterial and collector streets (as defined in Resolution No. 3213-07 and amendments) are required to have a façade which may be composed of stucco, brick, scored concrete, split-face concrete block, wood or a combination of these materials.

This standard applies to:

- A. City zoning districts including B1, B1A, B2, B3, PO and commercial/industrial portions of PUD, PDD and PID.**
- B. No more than twenty-five (25%) percent of any façade shall be composed of metal siding.**
- C. The requirement is for any portion of the structure that faces a public right-of-way.**
- D. The facades shall extend for a minimum of ten (10) feet along building elevations not adjacent to a thoroughfare.**

ARTICLE VII -

SECTION 7.1.2:

- C. General hospitals for humans (including nursing homes and assisted living**

- facilities); **institutional uses**;
- D. Semi-public buildings and uses, including private schools, churches and childcare **and adultcare** facilities;

SECTION 7.2.1:

- B. Uses/Structures Permitted on Appeal: Modular Dwellings, Agriculture, poultry, livestock raising, and home occupations, ~~but not including the operation of chicken brooder houses, and provided no structure or pen be located closer than 200 feet to any property line.~~
- C. Uses/Structures Prohibited: **Agriculture, poultry and livestock**. Any use or structure not specifically permitted or permitted on appeal by this section or by Sections 7.1.1 or 7.1.2 of this Article.
- D. *** or meet Health Department requirements.**

SECTION 7.2.2:

- B. Uses/Structures Permitted on Appeal: Agriculture, poultry, livestock raising, and Home occupations; ~~but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.~~
- 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.2.3:

- B. Uses/Structures Permitted on Appeal: Agriculture, poultry and livestock raising, and Home occupations, ~~but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.~~
- 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.2.4:

- B. Uses/Structures Permitted on Appeal: Home occupations. Agriculture, poultry and livestock raising; ~~but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.~~
- 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.2.5:

- B. Uses Permitted on Appeal: Home occupations, agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen or corral housing animals are located closer than 200 feet to any property line.
- C. Uses Prohibited: **Agriculture, poultry and livestock.** 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.
- D. Required Lot Area, Width, etc. **Requirements:**

SECTION 7.2.6:

- B. Uses/Structures Permitted on Appeal: Home occupations, Agriculture, poultry, and livestock raising, but not including the operation of chicken brooder houses, and provided no pen, or corral housing animals be located closer than 200 feet to any property line.
- 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.2.7:

7.2.7 R-3P RESIDENTIAL PLANNED MULTI-FAMILY

- A. ~~Uses/Structures Permitted: Residential structures containing one and 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; Home Occupations; Garages and Carports; Maintenance buildings to serve only one complex.~~
- B. ~~Uses/Structures Permitted on Appeal: Lodges and Clubs not operated for a profit; Professional and business offices; Hotels; and Modular Dwellings.~~
- C. ~~Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this Section 7.1.1 or 7.1.2 of this Article, including mobile/manufactured dwellings and RV's.~~
- D. ~~Bulk Requirements~~ ~~One Family~~ ~~Two Family~~ ~~Multi-Family~~

Minimum Lot Area	8,500 sq. ft. *	10,500 sq. ft. *	1 Acre
Minimum Lot Width at Building Line	75 feet	100 feet	200 feet
Minimum Depth of Front Yard	30 feet	30 feet	40 feet
Minimum Depth of Rear Yard	30 feet	30 feet	30 feet •
Minimum Width of Each Side Yard	10 feet	10 feet	25 feet •
Minimum Side Yard Abutting Street	30 feet	30 feet	40 feet
Maximum Building Area (% of Gross Lot Area)		40%	40% 40%

Minimum Open Space	N/A	N/A	25%
Maximum Building Height (feet)	50 feet	50 feet	50 feet
Maximum Building Height (stories)	2	2	4
Off Street Parking (per family unit)	2	2	2
Maximum Density per Acre	5	8	12

* Or meets the Health Department Review

- Where Multi-Family is located adjacent to Single Family Residential, the minimum rear yard and side yard shall be 50'. In addition, structures that exceed two stories shall be set back an additional 1' for every 1' of height over 35', up to a maximum of 50'.

E. Special Provisions: Multiple family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for the recreational needs of the residents.

1. Location:

Multiple family residential sites shall be located on a Major or Collector Roads as designated on the Major Road Plan. These sites shall be consistent with the Comprehensive Plan and shall only be permitted where multiple family residential land use is indicated on the adopted plan.

2. Application Requirements:

All applications for R-3P shall furnish the following information to the Planning Commission:

- 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 Multiple Family Residential from the appropriate water, sewer, electric, gas and other utilities.

3. Site Plan Review: Site Plan review shall be required for all R-3P Multiple Family Residential Developments as provided in Article 4.6 of this Ordinance. In addition to the requirements of Article 4.6, building elevations shall be provided on all buildings on the exterior of the site.

4. Site Design Guidelines:

Building Orientation

- a. Each multiple family development shall reflect a site-

orientation suited to the surrounding topography, neighborhood setting and community. When adjacent to single family residential, the site orientation shall take into account the height, bulk, and character of the surrounding development to avoid conflicts. The developments shall be designed in a manner to integrate them into the neighborhood rather than an abrupt intrusion into the neighborhood.

- b. — Arrange buildings to provide functional public and private outdoor spaces. Avoid developments that are “facing inward” and offer no relationship to the adjoining neighborhoods and greater community.
- c. — Orient multiple family buildings to the adjacent public streets by providing large windows, porches, balconies and entryways or other entry features on the street side of the buildings. Avoid the creation of blank street-facing walls that create unattractive streetscapes.
- d. — Building ends shall contain windows and active spaces to provide additional security and visual interest.
- e. — Site Plans shall be designed with a variation in both the street patterns and the sighting of structures so the appearance of the streetscape does not become overly repetitive. Avoid continuous lines of buildings with the same setback.

F. — Off Street Parking:

- 1. — Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts.
- 2. — Parking shall not be located in the front yard of the development. The parking shall be located behind the street setback to the side and rear of the buildings, wherever possible.
- 3. — Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens.
- 4. — Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure.
- 5. — Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics.
- 6. — Enclosed garages and carports may be permitted. All carport roofs visible from public streets or adjacent properties shall reflect the overall design and character of the residential structures in the

~~development.~~

- ~~7. All garages, carports, exterior storage of boats, recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or adjacent properties.~~

~~G. Open Space:~~

- ~~1. The open space provided in multiple family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development.~~
- ~~2. Include sufficient open spaces in the form of squares, greens and parks. A minimum of 25% of open space shall be provided in all multiple family developments. Stormwater retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission.~~
- ~~3. Retain existing mature trees within the new project design and landscaped areas where possible. Extra effort should be made to retain existing trees and vegetation adjacent to single family residential areas.~~
- ~~4. Open space shall be distributed throughout the development and easily accessible to all residents. Open space shall not be concentrated in large areas that are inconvenient to residents of the development.~~

~~H. Landscaping:~~

- ~~1. Adequate landscape screens shall be provided along the perimeter of all multiple family developments. Where multiple family developments are located adjacent to single family residential, a dense landscape screen shall be provided.~~
- ~~2. On perimeter streets, sidewalks, streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.~~
- ~~3. Dense landscaping and/or architectural elements shall be provided to screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.~~
- ~~4. Landscape plans shall include placement of deciduous shade trees around the east, west and south sides of residential buildings to help reduce cooling loads during the summer and permit solar gain during the winter months.~~
- ~~5. Wall mounted or ground mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes~~

and transformers shall be screened by walls, berms, fences and/or landscaping.

6. All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development.

I. Accessory Structures and Elements:

1. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.

2. Multiple family developments with 150 or more dwelling units shall provide a recreation facility and swimming pool. The design of accessory structures and elements shall be consistent with the predominate architectural theme of the residential buildings with regard to roof pitch, exterior materials and colors.

3. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets and to avoid impacting adjoining properties.

4. Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste disposal and recycling containers.

J. Lighting:

1. All exterior lighting shall be architecturally integrated with the building style, materials, and colors.

2. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not impact adjacent properties. Light standards shall be no taller than 16 feet in height. The use of building lights to illuminate parking areas is prohibited.

3. Landscape plantings and lighting shall be coordinated. Appropriate light pole locations shall not conflict with mature landscaping.

K. Additional Requirements:

The Special Requirements provided above are specific requirements to multiple family developments. Other requirements may be provided in the Zoning Ordinance and other City Ordinances and Regulations that further impact the design and development of multiple family properties.

Additional requirements include but are not limited to: signage; parking and loading; landscaping and screening requirements and engineering and stormwater retention requirements.—

SECTION 7.2.7:

7.2.87 R-3 RESIDENTIAL MULTI-FAMILY

- A. Uses/Structures Permitted: Residential structures containing one or two family dwelling units; ~~Modular dwellings, apartments containing any number of~~ **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** ~~lodges and clubs not operated for a profit; professional and business offices; and home based businesses.~~
- B. Uses/Structures Permitted on Appeal: Home occupations, **modular dwellings; lodges and clubs not operated for a profit; professional and business offices; and hotels.** ~~Agriculture, poultry, and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.~~
- 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 7.1.1 or 7.1.2 of this Article, including mobile/manufactured dwellings and Recreational Vehicles.

D. Requirements:

Minimum Lot Area (Single family)	8,500 square feet*
Minimum Lot Width at Building Line	75 feet
Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area (% of Gross Lot Area)	40 %
Minimum Open Space	N/A
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3-2
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14 5

* or meet Health Department requirements.

Minimum Lot Area (Two family/Duplex)	10,500 square feet*
Minimum Lot Width at Building Line	75 100 feet
Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area (% of Gross Lot Area)	40 %
Minimum Open Space	N/A
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14 8

* or meet Health Department requirements.

Minimum Lot Area (Multi-Family)	1 Acre
Minimum Lot Width at Building Line	75 200 feet
Minimum Depth of Front Yard	30 40 feet
Minimum Depth of Rear Yard	30 feet**
Minimum Width of Each Side Yard	10 25 feet**
Minimum Side Yard Abutting Street	30 40 feet
Maximum Building Area (% of Gross Lot Area)	40 %
Minimum Open Space	25%
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3 4
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14 12

For additional requirements, see Article VIII, Section 8.2, et seq.

* or meet Health Department requirements.

**** Where multi-family is located adjacent to single family residential, the minimum rear yard and side yard shall be 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.**

SECTION 7.2.8:

- A. Uses/Structures Permitted: Residential structures containing one or two family units; mobile/manufactured dwelling units and modular dwellings on individual lots; ~~lodge and clubs not operated for profit; professional and business offices; and home based businesses.~~
- B. Uses/Structures permitted on Appeal: ~~Agriculture, poultry, and livestock-raising, and h~~Home occupations, ~~but not including the operation of chicken~~

brooder houses, and providing that no structure, pen or corral housing animals be located closer than 200 to any property line; 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.2.9:

- B. Uses/Structures Permitted on Appeal: Residential uses including structures specifically permitted or permitted on appeal in R-1C districts; home occupations; ~~agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.~~
- 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 7.1.1 or 7.1.2 of this Article.

SECTION 7.3.2:

- 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; 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; home based businesses; and home occupations.

SECTION 7.3.3:

- 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; 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.

SECTION 7.3.4:

- 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.

SECTION 7.7:

7.7 OSP - OPEN SPACE / PRESERVATION DISTRICT

- A. Uses/Structures Permitted: Athletic facilities, public parks, playgrounds, country club with associated recreational facilities, hiking and nature trails, wildlife sanctuary, nature preserve, canoe, kayak and boat launches, incidental accessory uses, incidental accessory retail and service uses, offices accessory to a permitted use, essential services facility, and other similar uses.
- B. Uses/Structures Permitted on Appeal: Uses and structures not specifically permitted.
- C. Uses/Structure 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.
- D. Requirements:
- | | |
|--------------------------------------|---------|
| Minimum Lot Area | N/A |
| Minimum Depth of Front Yard | 50 feet |
| Minimum Depth of Rear Yard | 50 feet |
| Minimum Width of Each Side Yard | 25 feet |
| Maximum Building Area (% Gross Area) | 25 % |
| Maximum Building Height (feet): | 50 feet |
| Maximum Building Height (stories) | 2 |

SECTION 7.7:

- A. ~~Uses/Structures Permitted: Agricultural uses, outdoor recreation consisting of only storage structures, green belt or forest areas, public utility structures and facilities and public uses.~~
- B. ~~Uses/Structures Permitted on Appeal: Any use deemed by the Zoning Board of Adjustments and Appeals to be acceptable and not detrimental to adjacent property, or that would impede, in any way, flood water and/or storm water run-off above or below the subject property, and not specifically prohibited by this section.~~
- 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 all residential, commercial, office and industrial structures and uses; parking or loading areas for residences or businesses; cemeteries, mausoleums, hospitals, institutions or public buildings.~~

SECTION 7.8:

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. 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.

SECTION 7.8.1:

- A. A single family PUD must have a minimum of two (2) one (1) or more contiguous acres that are not separated by any right-of-way.

D. PUD Development Requirements:

For Additional Requirements, see Article VIII, Sections 8.6, *et seq.*

SECTION 7.9:

- 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. 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.~~
- DB. Uses/Structures Permitted on Appeal: Automobile filling stations; and amusement parks.**

FD. Requirements:

Off - Street Loading

See, Article VI, Section 6.10.4 **6.11.**

For Additional Requirements, see Article VIII, Sections 8.7, et seq.

SECTION 7.10:

- 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.
- E. — ~~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	Displacement
(Cycles per Second)	(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.

JF. SIGNS

Signs shall be permitted in accordance with the City of Foley Zoning

Ordinance.

For Additional Requirements, see Article VIII, Sections 8.8, *et seq.*

SECTION 8.2:

8.12 R-3 RESIDENTIAL MULTI-FAMILY

Special Provisions: Multiple family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for the recreational needs of the residents.

1. **Location:**
Multiple family residential sites shall be located on a Major or Collector Roads as designated on the Major Road Plan. These sites shall be consistent with the Comprehensive Plan and shall only be permitted where multiple family residential land use is indicated on the adopted plan.
2. **Application Requirements:**
All applications for R3 shall furnish the following information to the Planning Commission:
 - 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 Multiple Family Residential from the appropriate water, sewer, electric, gas and other utilities.
3. **Site Plan Review:** Site Plan review shall be required for all R-3 Multiple Family Residential Developments as provided in Article 4.6 of this Ordinance.
4. **Site Design Guidelines: Building Orientation**
 - a. Each multiple family development shall reflect a site orientation suited to the surrounding topography, neighborhood setting and community. When adjacent to single family residential, the site orientation shall take into account the height, bulk, and character of the surrounding development to avoid conflicts. The developments shall be designed in a manner to integrate them into the neighborhood rather than an abrupt intrusion into the neighborhood.
 - b. Arrange buildings to provide functional public and private

outdoor spaces. Avoid developments that are “facing inward” and offer no relationship to the adjoining neighborhoods and greater community.

- c. Orient multiple family buildings to the adjacent public streets by providing large windows, porches, balconies and entryways or other entry features on the street side of the buildings. Avoid the creation of blank street-facing walls that create unattractive streetscapes.
- d. Building ends shall contain windows and active spaces to provide additional security and visual interest.
- e. Site Plans shall be designed with a variation in both the street patterns and the sighting of structures so the appearance of the streetscape does not become overly repetitive. Avoid continuous lines of buildings with the same setback.

F.5 Off Street Parking:

- 1a. Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts.
- 2b. Parking shall not be located in the front yard of the development. The parking shall be located behind the street setback to the side and rear of the buildings, wherever possible.
- 3c. Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens.
- 4d. Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure.
- 5e. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics.
- 6f. Enclosed garages and carports may be permitted. All carport roofs visible from public streets or adjacent properties shall reflect the overall design and character of the residential structures in the development.
- 7g. All garages, carports, exterior storage of boats, recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or

adjacent properties.

G6. Open Space:

- 1a.** The open space provided in multiple family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development.
- 2b.** Include sufficient open spaces in the form of squares, greens and parks. A minimum of 25% of open space shall be provided in all multiple family developments. Stormwater retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission.
- 3c.** Retain existing mature trees within the new project design and landscaped areas where possible. Extra effort should be made to retain existing trees and vegetation adjacent to single family residential areas.
- 4d.** Open space shall be distributed throughout the development and easily accessible to all residents. Open space should not be concentrated in large areas that are inconvenient to residents of the development.

H7. Landscaping:

- 1a.** Adequate landscape screens shall be provided along the perimeter of all multiple family developments. Where multiple family developments are located adjacent to single family residential, a dense landscape screen shall be provided.
- 2b.** On perimeter streets, sidewalks, streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.
- 3c.** Dense landscaping and/or architectural elements shall be provided to screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.
- 4d.** Landscape plans shall include placement of deciduous shade trees around the east, west and south sides of

residential buildings to help reduce cooling loads during the summer and permit solar gain during the winter months.

- 5e. Wall-mounted or ground-mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes and transformers shall be screened by walls, berms, fences and/or landscaping.
- 6f. All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development.

18. Accessory Structures and Elements:

- 1a. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.
- 2b. Multiple family developments with 150 or more dwelling units shall provide a recreation facility and swimming pool. The design of accessory structures and elements shall be consistent with the predominate architectural theme of the residential buildings with regard to roof pitch, exterior materials and colors.
- 3c. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets and to avoid impacting adjoining properties.
- 4d. Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste disposal and recycling containers.

19. Lighting:

- 1a. All exterior lighting shall be architecturally integrated with the building style, materials, and colors.
- 2b. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not

impact adjacent properties. Light standards shall be no taller than 16 feet in height. The use of building lights to illuminate parking areas is prohibited.

- 3c. Landscape plantings and lighting shall be coordinated. Appropriate light pole locations shall not conflict with mature landscaping.

K10. Additional Requirements:

The Special Requirements provided above are specific requirements to multiple family developments. Other requirements may be provided in the Zoning Ordinance and other City Ordinances and Regulations that further impact the design and development of multiple family properties. Additional requirements include but are not limited to: signage; parking and loading; landscaping and screening requirements and engineering and stormwater retention requirements.

SECTION 8.5:

- F. Each patio home shall have on its own lot one yard containing not less than six hundred (600) square feet, reasonably secluded from view of streets of neighboring property.

SECTION 8.6:

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.
- 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:
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.

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.

SECTION 8.7:

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. 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.

SECTION 8.8:

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.

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.

SECTION 8.9:

- A. The architectural integrity of existing interior spaces of the home shall be maintained. Only such construction and remodeling as may be necessary to meet health, safety, and sanitation requirements shall be permitted. Any modifications proposed shall be approved by the Board of Adjustments and the Building Official.
- B. Exterior modifications to the structure or to the grounds shall not alter the appearance of the home from that of a single family residence. Only such exterior alterations as are necessary to insure the safety of the structure shall be permitted. Any exterior alterations shall be approved by the Board of Adjustment **and Appeals**, and the Building Official.
- F. No Bed and Breakfast use shall be located within five hundred (500) feet of another Bed and Breakfast use unless approved by the Board of Adjustments **and Appeals**.

8.9 — OFFICE/WAREHOUSE

~~An Office/Warehouse is not allowed or permitted to have bulk storage of materials which are flammable, explosive, toxic or hazardous.~~

SECTION 9.1:

Location of Signs and Visibility All signs shall be on premise, except as permitted specifically within the Ordinance. No signs shall be erected in public right-of-way or on public sidewalks. No roof top signs shall be permitted. Signs may not be located within the vision clearance areas, the triangular shaped areas located at the

intersection of any combination of streets, alleys or driveways. Nothing may be erected, placed planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sides of the triangle extend from the intersection of the **pavement or other** vehicle travel areas. Signs must be located to provide unobstructed visibility and shall not be located between the heights of two and one-half (2 1/2) feet and ten (10) feet from grade within this area. Structures and supports must have a combined total width of 12 inches or less and the combined total depth of 12 inches or less.

SECTION 9.3:

A.

Type of Sign Permitted	Wall or Projecting	Maximum Ground
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B.

Type of Sign Permitted	Wall or Projecting	Locator (Ground Sign)
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SECTION 9.6:

9.6 SIGNS PERMITTED WITHIN OPEN SPACE / RECREATION DISTRICT:

Permitted Sign Type	Open Space//Recreation District
Maximum Sign Face Area (sq. ft.)	200 Square Feet
Number of Faces	Two (2)
Maximum Height	Twenty-Five (25) Feet
Illumination	Indirect/Internal
Setback from Property Line	Front- 25 Feet, Side- 25 Feet
Number	One Per Entrance

*** Promotional / Sponsorship materials within Park boundaries are exempt from the Sign Regulations.**

SECTION 9.7:

- B. Permitted Signs for Establishments Located in a ~~Shopping Center~~ **Multi-Tenant Development:**
Stores and establishments in ~~shopping centers~~ **multi-tenant developments** will be allowed building front signs provided they meet the following criteria and only if such store or establishment has frontage.
- C. Permitted ~~Shopping Center~~ **Multi-Tenant** Locator Signs:

SECTION 9.8:

9.78 ELECTRONIC CHANGEABLE COPY SIGNS

Electronic changeable copy signs may be permitted as a detached freestanding or

attached flat sign in the following zones: B1A, Extended Business District; B2, Neighborhood Business District; B3, Local Business District; M1, Light Industrial District; PID, Planned Industrial District; Commercial and Industrial areas of a PUD, Planned Unit Development or PDD, Planned Development District **and Open Space/Recreation District**. The signs must meet all requirements for the zoning district. Electronic changeable copy signs are not allowed in the City of Foley Historical District. **May not display messages that do not pertain to business conducted on the premises on which the sign is located, unless otherwise exempted or a public service announcement.**

9.7.3 ELECTRONIC CHANGEABLE COPY SIGNS:

~~May not display messages that do not pertain to business conducted on the premises on which the sign is located.~~

SECTION 9.11:

- C. The maximum size allowance for balloon and inflatable signs is one (1) sign, ~~ten (10)~~ **twenty (20)** 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.

SECTION 9.13:

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.
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 of the property.

D. Campaign or Election Signs are exempt provided that:

1. Signs advocating or opposing a public office or a position on an issue to be determined at an election shall not exceed twelve (12) square feet in residential districts. In all other zoned districts, signs shall not exceed thirty-two (32) square feet.
2. Signs advocating or opposing a public office or position on an issue to be determined at an election shall be removed within ten (10) days after the election for which they were erected. In the event of a runoff election, signs may be displayed until the runoff election and then shall be removed within ten (10) days of the runoff election.
3. Property owners shall be held responsible for violations of campaign and election signs.
4. No signs shall be allowed in the public right-of-way, project into or overhang any right-of-way or be attached to any utility pole within the right-of-way.

E. Decorative Displays:

1. Single balloons under twenty-four (24) inches in circumference that do not contain copy are considered decorative.
2. Flags that display seasonal, holiday, governmental and political displays are considered decorative.

SECTION 12.6:

1. Structurally altered, amended or repaired so as to prolong or enhance the useful life of the billboard; **or**

SECTION 12.11:

Signs erected by or on behalf of the City of Foley in the ~~Foley-Beach Express~~ **public** right of way pursuant to City ordinances and regulations directing travelers to business locations from intersections are exempt from the prohibitions and requirements of this Article.

SECTION 14:

- 14.4** In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or held invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no manner affect the other sections, **subsections**, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or held invalid or unconstitutional were not originally a part thereof.

14.6 "FOLEY DOWNTOWN OVERLAY DISTRICT (FDOD)":

The FDOD focuses on the preservation and rehabilitation of historic buildings and/or new structures and their elements. The goal for alterations to non-contributing buildings and new construction in the FDOD is to ensure compatibility with existing and new development. The intent is to foster a strong viable downtown as a walkable commercial, civic, residential and cultural art center with its own unique identity.

14.7 APPLICABILITY:

The FDOD is established to serve as an overlay to the established base zoning district. Base districts within the FDOD include B1 (Central Business District) and B1A (Extended Business District). Except as modified by the FDOD, the provisions of the base district shall apply to all development within the boundary. In the event the regulations conflict, the applicable FDOD regulations shall apply.

14.8 ESTABLISHMENT OF FDOD BOUNDARIES:

A map of the FDOD overlay boundary is included in the Zoning Ordinance. The Foley Zoning Map shall reflect the designation of the Foley Downtown Overlay District according to the Foley Downtown Overlay District Boundaries and the letters FDOD added as a suffix to the underlying zoning district(s).

14.9 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; 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 7.1.1 or 7.1.2 of this Article 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.

14.10 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.

14.11 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.

14.12 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.

14.13 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.

14.14 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.