



September 23, 2025

Mayor and City Council  
City of Foley  
407 East Laurel Avenue  
Foley, Alabama 36535

RE: Zoning Ordinance Amendments Recommendation

Dear Mayor Hellmich and City Council Members:

The City of Foley Planning Commission held a regular meeting on September 17, 2025 and the following action was taken:

**Zoning Ordinance Amendments**

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

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

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

Respectfully,

*Melissa Ringler*

Melissa Ringler  
Planning & Zoning Coordinator  
mringler@cityoffoley.org

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III

ORDINANCE NO : \_\_\_\_\_

AN ORDINANCE AMENDING THE FOLEY ZONING CODE TO  
REGULATE MINING AND QUARRYING OPERATIONS

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA AS FOLLOWS:

**2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE**

Barrow Pit: An area from which soil or other unconsolidated materials are removed to be used, with or without further processing, for highway or road construction and maintenance or other similar use.

Mining: The process of extracting coal, ore or other minerals from the ground. This term also encompasses surface mining and oil and gas drilling. For purposes of oil and gas drilling, the term shall include the wellhead and any above-ground pipelines or above-ground pipeline appurtenances.

Quarrying: The process of removing rock, stone, sand, clay, gravel or other natural mineral resources from the ground for the purpose of acquiring, selling, or using said natural mineral resources.

**NEW ARTICLE – MINING AND QUARRYING OPERATIONAL REQUIREMENTS**

**\_\_\_.1 POWER AND AUTHORITY**

The City of Foley has the power and authority to adopt and enforce the terms, conditions and regulations established in this Ordinance pursuant to its police powers to protect the public health, safety, morals and general public welfare.

**\_\_\_.2 PERMITTED AND PROHIBITED USES IN ZONING DISTRICTS**

No Mining or Quarrying operations may be conducted within any residentially zoned district, any commercially zoned district, any Planned Unit Development, any Planned Development District, or the residential or commercial portions of any mixed-use district or development. Mining and Quarrying operations may only occur in Industrial districts or in the Agricultural/Open District, but even then only pursuant to the special regulations and restrictions contained herein, and only upon first receiving a Special Exception for the same.

### .3 SPECIAL SETBACKS

In addition to any other restrictions, Mining and Quarrying operations shall also adhere to the following special setbacks:

- A. **Residential:** No mining or quarrying operations shall be located within one thousand (1,000) feet of residentially zoned property or property being used for residential purposes, including all residential areas of planned unit developments, planned districts and mixed use districts.
- B. **Waterway/Stormwater Detention or Retention Facilities:** No mining or quarrying operations shall be located within one thousand (1,000) feet of any natural waterway or any engineered stormwater detention or retention facilities.
- C. **Property Lines:** No mining or quarrying operations shall be located within one hundred (100) feet of a property line.
- D. **Public Road/Right of Way:** No mining or quarrying operations shall be located within one hundred (100) feet of any public road or public right of way.

### .4 SPECIAL EXCEPTIONS

Any mining or quarrying operations shall comply with the special exception procedures of this Ordinance. The applicant shall apply for and must first receive special exception approval from the Board prior to commencing operations. The Board of Adjustments and Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to: restricting days and hours of operation; requiring documentation regarding potential impacts on wells, groundwater, and surface water; and requiring that the mining and quarrying area be screened, and that a drainage plan be submitted and approved for the restoration of the site when mining and quarrying operations have been completed. Any special exception approval by the Board under this Section shall not constitute approval of any item or matter that may require separate approval of any State or Federal body or agency.

#### **19.1 M1 – LIGHT INDUSTRIAL DISTRICT**

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; towing company storage yards; and, mining or quarrying operations.

C. Uses / Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including any residential use or structure, except that of a watchman or caretaker; Class 1, 2, 3 & 4 clubs or lodges, poultry and livestock; churches; daycares storage of junk or wrecked automobiles other than for repair or service, explosive products manufacture, garbage disposal plants or sanitary landfills. ~~or borrow pits.~~

## **19.2 PID – PLANNED INDUSTRIAL DISTRICT**

### **2. Uses / Structures Permitted on Appeal: Mining and Quarrying operations.**

23. Uses Prohibited: Junkyards, including wrecker yards; explosive products manufacturing; garbage disposal plants; sanitary landfills; asphalt and concrete plants, class 1, 2, 3 & 4 clubs and lodges, churches; daycares; ~~borrow pits~~ and other uses that are detrimental to the health, safety, morals and general welfare of the community and the area.

## **20.1 AO – AGRICULTURAL OPEN SPACE**

B. Uses / Structures Permitted on Appeal: Temporary and unenclosed roadside stands for the sale of agricultural products, public and private utilities, airports, radio or television broadcasting towers, hospitals, institutions, mausoleums and cemeteries, **mining and quarrying operations**, and single mobile / manufactured dwellings (in accordance with provisions of Article XVI, Section 16.1.3).

C. Uses / Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including any business or industry not contained in Sections 14.9A and 14.9B, billboards, ~~and the excavation of minerals, or the removal of surface material.~~

PASSED, APPROVED AND ADOPTED this \_\_\_, day of \_\_\_\_, 2025.

President Signature \_\_\_\_\_

Date \_\_\_\_\_

Attest by City Clerk \_\_\_\_\_

Date \_\_\_\_\_

Mayor Signature \_\_\_\_\_

Date \_\_\_\_\_