

PROPOSED ZONING ORDINANCE AMENDMENTS:

NEW

REMOVE

2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE

Accessory Dwelling Units (ADU): A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guesthouses. Recreational Vehicles nor Manufactured Homes can be considered as an ADU.

Density: The number of separate dwelling units allowed per gross residential acre. For new developments and subdivisions, the number of separate dwelling units in the buildable area excluding wetlands, water features and similar.

Planned Developments: Planned Developments include Townhomes, Multi-Family and Mixed Use developments. These zones require a master plan layout prior to zoning / rezoning. The approved layouts then become the “zoning” for these properties and are considered site plan approval as well unless otherwise noted in the meeting minutes. The approved layouts can only be modified by the Planning Commission and in certain instances will require City Council approval as well.

Fence: Any artificial obstruction to free movement from one area of land to another area of land which is fixed in the ground and which is not a sign or building, as those terms are defined herein.

Joint Residential & Commercial Use: A joint use is a type of commercial property that includes both commercial and residential space. The residential uses shall be designed so that they are compatible with the commercial uses. Residential and commercial uses shall not occupy the same floor of a building. Residential and commercial uses shall not share the same entrances. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses may be allowed (structures with less than two thousand (2,000) square feet devoted to commercial uses shall be allowed one dwelling unit).

Structure: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including among other things, signs, billboards, fences, walls, antennas, but not including telephone poles or overhead wires, ~~wire fences and other~~ fences less than three (3) feet high, retaining walls or terraces. Generators and HVAC units are excluded from this definition.

6.1.2 PROHIBITIONS

Except as otherwise expressly provided in this ordinance:

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, R-2, R3, R4, GPH-1, TH and MH-1. ~~Accessory structures shall not include kitchen facilities; unless an approved Accessory Dwelling Unit has been approved by the Board of Adjustment and Appeals.~~ Accessory Dwelling Units must meet zoning, building, fire and other regulations & obtain all required permits.

ARTICLE VIII

RESIDENTIAL – MISCELLANEOUS

8.1.1 ACCESSORY DWELLING UNITS

A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guesthouses. Recreational Vehicles nor Manufactured Homes can be considered as an ADU.

The ADU cannot exceed 60% of the size in square feet of the principal residence. No accessory structure shall be erected in any front yard or any street-side yard on a corner lot. Accessory structures: shall not exceed 2 stores in height; shall not cover more than 30% of the required yard in which it is located; and shall be at least 10 feet from all lot lines and 10 feet from any other structure on the same lot.

8.2 FENCES AND WALLS

Fences and walls may be erected, placed and maintained, 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 and GPH1, Garden Patio Home where an eight (8) foot fence may be permitted. No fence or wall located in a required front yard shall exceed a height of three (3) feet **with the exception of a chain link fence up to four (4) feet.**

Subdivision privacy wood/vinyl fences built by developers must be finished side facing external right-of-ways or a shadow box design.

Privacy wood/vinyl fences built by individual homeowners on single family lots must be built finished side out or shadow box under the following conditions:

- Facing a public right-of-way

ARTICLE XI

SITE PLAN REVIEW

11.1 SITE PLAN REVIEW

A zoning site plan review is a procedure designed to assist a developer in interpreting the Zoning Ordinance so that proposed developments will stand a better chance of not violating this Ordinance. Ultimate responsibility for compliance with this Ordinance rests with the land owner, developer, tenant, or person who is responsible for the building, structure, lot or use.

A zoning site plan review shall be required to be made in all cases on new construction, remodeling or refurbishing of existing structures, demolition and rebuilding on existing lots, and the change of occupancy or use of any structure, regardless of the district.

A conceptual review may be performed with the Community Development Director, and/or other City Staff during the planning stages of a project, but this will not be considered a formal review. Formal reviews will only be made on submitted, finalized plans.

Site plans may be required to be submitted to the Planning Commission for input in cases where the proposed development meets the following criteria. **The site plan approval will be valid for 12 months but will expire after this date if no building permits have been obtained. The Planning Commission may extend the site plan approval if it is determined there is an extenuating circumstance.**

- A. Duplexes where the total lot area is a minimum of 11,500 square feet.
- B. Multi-family where the total area is a minimum of 1 acre.
- C. Commercial developments where the total area exceeds three (3) gross acres.
- D. Commercial developments where the total structure area exceeds fifty thousand (50,000) square feet.
- E. Places of amusement over three (3) acres.

The Community Development Director and/or other City Staff will review the site plan and advise the applicant of changes that must be made in the plans so as to comply with the Zoning Ordinance. Such changes shall be accomplished prior to the issuance of a building permit. Site plan review is a service to the applicant that is performed by municipal employees and officers in their official capacities. The failure of the reviewing officials to recognize or notice a violation or the incorrect

interpretation of the reviewing officials at the site plan review stage shall not prevent or prohibit the City of Foley and these same officials from enforcing the Zoning Ordinance against an applicant if a structure, lot, or use of land conflicts with this Ordinance.

11.1.1 SITE PLAN CONTENTS

- A. Boundary survey including acreage and easements;
- B. Location of bordering right-of-ways;
- C. Location, occupancy type, square footage, height & setbacks of proposed structures;
- D. Parking spaces including number, size & ADA, sidewalks, loading dock if required, total percent of landscaping.
- E. Schematic with stormwater pond location and basic size.
- F. Location and size of proposed signage.
- G. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet and of such accuracy that one can readily interpret the site plan, and shall include more than one drawing where required for clarity.

13.1 REGULATIONS APPLYING TO ALL DISTRICTS

13.1.1 USES / STRUCTURES PERMITTED

Unless specifically prohibited in a particular zoning district, the following uses and structures are permitted by right in all districts.

- A. Public utilities, excluding electric and gas substations and water/wastewater pumping stations;

Public buildings of a governmental nature;

- B. Unlighted recreational facilities, including parks, playgrounds, stadiums, etc;
- C. Accessory Structures / **Accessory Dwelling Units**;
- D. Class 1 Clubs or Lodges
- E.

13.1.2 USES / STRUCTURES PERMITTED ON APPEAL

Unless specifically prohibited in a particular zoning district, the following uses and structures are permitted by right in all districts.

- A. Public Utilities such as electric and gas substations and water/wastewater pumping stations;
- B. Public buildings of a proprietary nature;
- 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 unless otherwise allowed;
- E. Lights for recreational facilities (subject to regulations based on the neighborhood, zoning district, and surrounding area that may limit the time of day and the number and nature of lights allowed);
- F. Public and semi-public buildings with heights greater than three (3) stories or fifty (50) feet;
- G. **Accessory Dwelling Units;**
- H. Class 2 Clubs or Lodges.

14.1.8 GPH-1 RESIDENTIAL GARDEN PATIO HOMES

No more property will be zoned GPH1

- A. Uses/Structures Permitted: Garden-patio homes, Modular Dwellings; home based businesses.
- B. Uses/Structures Permitted on Appeal: Residential uses including structures specifically permitted or permitted on appeal in R-1C districts; home occupations.
- 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 13.1.1 or 13.1.2 of Article XIII.

COMMERCIAL / OFFICE DISTRICTS

18.1 COMMERCIAL DISTRICTS

18.1.1 B-1 CENTRAL BUSINESS DISTRICT

- A. Uses/Structures Permitted: Stores selling food, restaurants/drive-in eating places, general merchandise, apparel, furniture, housewares and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair shops; pet grooming; offices; banks; post offices; churches; daycares and similar services; joint residential and commercial use; ~~any residential use not prohibited~~; any retail business not specifically restricted herein, class 4 clubs and lodges, places of amusement and assembly, hotels.
- B. Uses/Structures Permitted on Appeal: Automobile filling stations, motels, automobile repair (minor and 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; storage structures/open space; home based businesses; and home occupations.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including kennels; poultry and livestock; towing company storage yard; industrial uses not specifically permitted herein; mobile/manufactured dwellings; modular dwellings; R.V.'s; and wholesale businesses.

18.1.2 B-1A EXTENDED BUSINESS DISTRICT

- 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; pet grooming; offices; banks; post offices; office/warehouses; churches; daycares and similar services; any retail business not specifically restricted herein; class 4 clubs or lodges, 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; storage structures/open space.

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 kennels; poultry and livestock; industrial uses not specifically permitted herein; travel trailers; mobile/manufactured dwellings; modular dwellings; and wholesale businesses.

D. Requirements:

Minimum Depth of Front Yard	30 feet
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Minimum Depth of Rear Yard	20 feet
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Minimum Depth of Side Yard Abutting Street	30 feet
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Maximum Height (feet)	85 feet
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Maximum Height (stories)	6 stories
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Maximum Building Area (% of Gross Lot Area)	50 %
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Maximum Residential Density per Acre	20 units
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Off-Street Parking (commercial):	See Article X, Section 10.1
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1 space for each 400 sq.ft. of
habitable floor space

Off- Street Parking (residential):	2 spaces per family unit
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Off-Street Loading	See Article X, Section 10.1.4
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18.1.3 B-2 NEIGHBORHOOD BUSINESS DISTRICT

A. Uses/Structures Permitted: Stores selling food, restaurants, general merchandise, apparel, furniture, housewares and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and pick-up stations; barber and beauty shops; shoe repair; pet grooming; offices; banks; post offices; churches; daycares and similar services; automobile filling stations, office/warehouses; drive-in eating places, motels, automobile repair (minor); any retail business not specifically restricted herein; class 4 clubs or lodges, ~~any residential use not prohibited;~~ joint residential and commercial use, 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, storage structures/open space.

- C. Uses 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 kennels; poultry and livestock; industrial uses not specifically permitted herein, travel trailers; mobile/manufactured dwellings; and modular dwellings.

D. Requirements:

Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	20 feet
Minimum Depth of Side Yard Abutting Street	30 feet
Maximum Height	50 feet
Maximum Building Area (% of Gross Lot Area)	30 %
Maximum Residential Density per Acre	11 units
Off-Street Parking (commercial):	See Article X, Section 10.1 1 space for each 400 sq.ft. of habitable floor space
Off- Street Parking (residential):	2 spaces per family unit
Off-Street Loading	See Article X, Section 10.1.4

18.1.4 B-3 LOCAL BUSINESS DISTRICT

- A. Uses/Structures Permitted: Drug stores, restaurants, drive-in eating places, jewelry and gift shops, flower shops, small beauty and barber shops, small dry cleaning and pick-up stations, automobile repair (minor), local laundry and washateria parlors, shoe repair shops, pet grooming; churches; daycares; small business and professional offices, office/warehouses, residential uses not prohibited herein, joint residential and commercial use, class 4 clubs or lodges, and other similar small retail businesses units not specifically prohibited herein.
- B. Uses/Structures Permitted on Appeal: Veterinary clinics/hospitals; kennels; wholesale; storage structures/open space.
- 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 industrial uses not specifically permitted herein; poultry and livestock;

residential use including RV/travel trailer parks, mobile/manufactured dwelling parks, modular dwelling subdivisions; and automobile filling stations.

D. Requirements:

Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	20 feet
Minimum Depth of Side Yard Abutting Street	30 feet
Maximum Height	50 feet
Maximum Building Area (% of Gross Lot Area)	30%

~~Maximum Residential Density per Acre 11 units~~

Off-Street Parking (commercial):	See Article X, Section 10.1
	1 space for each 400 sq.ft. of habitable floor space
Off- Street Parking (residential):	2 spaces per family unit
Off-Street Loading	See Article X, Section 10.1.4

PLANNED DEVELOPMENTS – NEW CHAPTER

RESIDENTIAL PLANNED DEVELOPMENTS:

R-3 RESIDENTIAL MULTI-FAMILY

- A. Uses/Structures Permitted: Residential structures containing one or 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; garages and carports; maintenance buildings to serve only one complex; 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.
- 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 13.1.1 or 13.1.2 of Article XIII, 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 Depth of 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):	2
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	5

* or meet Health Department requirements.

Minimum Lot Area (Two family/Duplex)	10,500 square feet*
Minimum Lot Width at Building Line	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 Depth of 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	8

* or meet Health Department requirements.

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

* 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.

15.1.1 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 11.1 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.

5. Off Street Parking:

- a. Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts.
- b. 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.
- c. 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.
- d. Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure.
- e. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics.
- f. 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.

- g. 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.

6. Open Space:

- a. 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.
- b. 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.
- c. 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.
- d. 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.

7. Landscaping:

- a. 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.
- b. 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.
- c. 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.

- d. 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.
- e. 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.
- f. All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development.

8. Accessory Structures and Elements:

- a. 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.
- b. 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.
- c. 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.
- d. 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.

9. Lighting:

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

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

10. 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.

15.1.2 TH-1 RESIDENTIAL TOWNHOUSE

- A. Uses/Structures Permitted: **Attached** Townhouses and home based businesses
- B. Uses/Structures Permitted on Appeal: Residential structures including modular dwellings/uses specifically permitted in R-1C zones; garden-patio homes; home occupations.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Sections 13.1.1 or 13.1.2 of Article XIII.

F. Requirements:

Minimum Area	1 acre
Minimum Lot Area	2,400 square feet*
Minimum Lot Width at Building Line	24-25 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard (on end unit)	16 feet
Minimum Depth of Side Yard Abutting Street	16 feet
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	15

* or meet Health Department requirements.

- A. Townhouses shall be designed in such a manner as to be in harmony with the character of the surrounding neighborhood and area. Where conditions are attached by the City Council in zoning an area for townhouses, these conditions shall be included as part of the building permit.
- B. It is the intent of this Zoning Ordinance that townhouses:
 - 1. May be appropriately intermingled with other types of housing;
 - 2. Shall not form long, unbroken lines of row housing;
- C. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

In line with the general considerations above, the following site plan and design criteria are established:

- A. Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous. In groups of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.
- B. Minimum width for the portion of the lot on which a townhouse is to be constructed shall be twenty-four (24) feet.
- C. Minimum lot area shall be two thousand four hundred (2,400) square feet.
- D. No portion of a townhouse or accessory structure in or related to one townhouse complex shall be closer than twenty (20) feet to any portion of the townhouse or accessory structure related to another townhouse complex, or to any building outside the townhouse area.
- E. Each townhouse shall be constructed on its own lot.
- F. No side yards shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be sixteen (16) feet. Minimum depth of front yards shall be twenty (20) feet.
- G. Each townhouse shall have on its own lot, one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property.
- H. Off-street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off-street parking facilities shall be grouped in bays,

whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

~~For~~ Townhouse developments with less than five (5) acres shall have at least twenty (20) percent common open space and greater than five (5) acres or greater shall have at least ~~twenty (20)~~ twenty-five (25) percent of the total area shall be devoted to common open space, exclusive of parking areas, accessory buildings, or required drainage. Such common open areas may include recreational facilities. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.

MIXED USE PLANNED DEVELOPMENTS:

21.1 PUD – PLANNED UNIT DEVELOPMENT

21.1.1 REQUIREMENTS

- A. A PUD must have a minimum of one (1) or more contiguous acres that are not separated by any right-of-way.
- B. PUDs will not increase density but should attempt to create larger and more significant open spaces through the use of reduced lot sizes, setbacks, clustering of dwellings, etc.
- C. Principal Uses: PUDs may have a mixture of principal uses selected from any of the following categories:
 - 1. Residential Uses: Single family dwellings, attached dwellings, Townhomes and multi-family dwellings including Modular Structures. Excluding: Mobile/Manufactured Homes & Recreational Vehicles.
 - 2. Neighborhood Commercial Uses: Commercial retail and services to include health clubs, child day care and adult day care, cafes, drinking establishments and restaurants including those with outdoor seating, professional services such as real estate, insurance, doctors, dentists, attorneys, architects, engineers, and lawyers, convenience goods such as groceries, drug stores, boat store, ice cream shops, snack shops, card shops, gift shops, framing studios, beer and liquor sales, laundry and dry cleaners, hardware stores, apparel stores, art studios, artist supplies, florists, bookstores, newsstands, and video/electronic rentals, class 4

clubs or lodges, and other similar uses that are related to needs of residents and employees in the area.

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

9. Appearance of Public Facilities: All utility structures and other public facilities in the PUD shall be architecturally compatible and landscaped in keeping with the overall design and appearance of the PUD as approved by the Planning Commission.

D. PUD Development Requirements:

PUD Development Requirements – Single Family

Minimum Lot Width at Building Line	40 60 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Depth of Rear Yard with Pool/Screen	10 feet
Enclosure	
Minimum Width of Side Yard	10 feet
Maximum Building Area (% of Gross Lot Area)	50%
Maximum Building Height	85 50 feet
Maximum Number of Stories	6 3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	11

E. PUD Development Requirements - Multifamily

Minimum Lot Width at Building Line	25 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard	5 feet
Minimum Depth of Rear Yard with Pool/Screen	10 feet
Enclosure	
Maximum Building Area (% of Gross Lot Area)	50%
Maximum Building Height	50 feet
Maximum Number of Stories	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14

(Reference Townhome zone for specific requirements for THs)

F. PUD Development Requirements - Commercial

Minimum Lot Width at Building Line	40 feet
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Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard	0 feet
Maximum Building Area (% of Gross Lot Area)	50%
Maximum Building Height	85 feet
Maximum Number of Stories	6
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	14
(Residential uses above businesses may be allowed)	

21.2 PUD – PLANNED UNIT DEVELOPMENT REQUIREMENTS

21.2.1 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.

21.2.2 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 zoning applications, planned unit developments may be zoned for the specific uses submitted.

21.2.3 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.

21.2.4 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 zoning application for a development plan for a planned unit development shall be filed by or on behalf of the landowner with the Community Development Director. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the City to evaluate the impact of the development upon the City. Once the PUD master plan has been approved, each phase must be approved by staff and the Planning Commission prior to any permits being issued.
- A. The applicant for any type of PUD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PUD. These may include reduced right-of-way width, clustering of units, reduced lot size and setbacks, use considerations, building height variances, design considerations, etc., and shall also identify the benefits of the PUD, including but not limited to:
 - 1. Public Benefits- Traffic and utility improvements, regional and local bicycle/pedestrian improvements, buffering from adjacent sites, aesthetic improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.

2. Private Benefits - Amenities for site users, open space and recreation, clustering of uses, creation of neighborhoods, landscaping, traffic circulation, multi-modal circulation, private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests, enhanced architecture and site layout.
- C. The following information shall be submitted with the applications:
1. The location and size of the site including its legal description.
 2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
 3. The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.
 4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.
 5. The location, size and character of any common open space, common owned facilities and the form of organization proposed to own and maintain any common open space and common owned facilities.
 6. The use and type of buildings, i.e., single-family detached, townhouses, or garden apartments, proposed for each portion of the area included within the outline development plan.
 7. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, and storm drainage and sewage collection
 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 for public utilities.
 9. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.
 10. The provisions for the disposition of open space including its development or non-development character and function.
 11. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval

of all sections of the planned unit development are intended to be filed.

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

13. An Application and fee as required for processing.

14. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7

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

21.2.5 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, if any changes, a site plan 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 11.1.1.

21.3 PDD – PLANNED DEVELOPMENT DISTRICT

- A. Uses/Structures Permitted: Hotel, motel, conference center, theater, indoor or outdoor entertainment center, recreation facility, museum, community center, restaurant, night club, bar, shopping center, retail store, retail service, personal service, craft studio, bank, professional office, business office, and other similar tourist related entertainment, recreation, service or commercial uses, class 4 clubs or lodges, churches; daycares and high density residential.
- B. Uses/Structures Permitted on Appeal: Automobile filling stations; and amusement parks.

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, commercial, industrial, or agricultural use or structure not specifically permitted by the City Council when zoning an area as a PDD; major automobile repairs; manufacturing; outdoor storage, heavy commercial, industry, adult entertainment, building materials, pawn shops, tattoo parlors, auto body shops, auto sales, parts and services, towing company storage yards and junkyards.

D. Requirements:

Minimum District Area	5 Acres
Minimum Buffer on all Project Area Boundaries	30 feet
Minimum Buffer Between Different Uses	30 feet
Maximum Building Area (% of Gross Project Area)	20%
Maximum Building Height (feet):	85 feet
Maximum Building Height (stories):	6 Stories
Maximum Residential Density per Acre	30 units
Off – Street Parking (commercial):	See Article X, Section 10.1
Off-Street Parking (Residential)	2 per family unit
Off - Street Loading	See Article X, Section 10.1.4

E. Landscape Regulations: Native vegetation shall be preserved and incorporated into the development, ensuring the preservation of environmentally sensitive areas. A landscaped buffer is required between different uses. It shall be at least 30 feet wide and planted with native materials or trees in groups, to create a visual barrier. This is to be maintained by the developer and/or owner.

21.3.1 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.

- B. 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.
- C. 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.
- D. 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.
- E. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7.
- F. There shall be a minimum of at least fifteen percent (15%) open space in a PDD exclusive of all drives, walkways, parking areas and required drainage. 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.

ARTICLE XXI

MIXED USE DEVELOPMENTS

MOVED TO PLANNED DISTRICTS

~~21.1 PUD – PLANNED UNIT DEVELOPMENT~~

~~21.1.1 REQUIREMENTS~~

- ~~A. A PUD must have a minimum of one (1) or more contiguous acres that are not separated by any right of way.~~
- ~~B. PUDs will not increase density but should attempt to create larger and more significant open spaces through the use of reduced lot sizes, setbacks, clustering of dwellings, etc.~~
- ~~C. Principal Uses: PUDs may have a mixture of principal uses selected from any of the following categories:~~
- ~~1. Residential Uses: Single family dwellings, attached dwellings, Townhomes and multi family dwellings including Modular Structures. Excluding: Mobile/Manufactured Homes & Recreational Vehicles.~~
 - ~~2. Neighborhood Commercial Uses: Commercial retail and services to include health clubs, child day care and adult day care, cafes, drinking establishments and restaurants including those with outdoor seating, professional services such as real estate, insurance, doctors, dentists, attorneys, architects, engineers, and lawyers, convenience goods such as groceries, drug stores, boat store, ice cream shops, snack shops, card shops, gift shops, framing studios, beer and liquor sales, laundry and dry cleaners, hardware stores, apparel stores, art studios, artist supplies, florists, bookstores, newsstands, and video/electronic rentals, class 4 clubs or lodges, and other similar uses that are related to needs of residents and employees in the area.~~
 - ~~3. Civic and Institutional Uses: Places of assembly, places of worship, schools, public facilities, non profit service agencies, assisted living facilities, hospitals and medical facilities with related offices, health centers, nursing homes, and related offices, parks, open space, outdoor and indoor recreation.~~
 - ~~4. Accessory Uses: Garages, parking garages, carports, residential storage buildings, bikeways, trails, golf courses, swimming pools, tennis courts,~~

and other forms of outdoor recreation community room, exercise or health club, video/game arcade and other forms of indoor recreation, clubhouses and incidental parking.

5. Prohibited Uses: Outdoor storage, heavy commercial, industry, adult entertainment, building materials, pawn shops, tattoo parlors, auto body shops, auto sales, parts and services, towing company storage yards and junkyards.

6. Residential Lot Size: Housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features. However if public water and sewer is not available, Department of Public Health regulations must be met.

7. Open Space Reservation: Not less than 25% of the PUD site shall be reserved collectively in contiguous units accessible to all the building sites in the PUD and maintained by the property owners for open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and for conserving visually pleasing elements of the environment. This open space does not include areas reserved for drainage purposes. If the PUD is developed in stages, the amount of open space reserved and developed for use in each stage will constitute no less than an equivalent proportional amount to the area being developed.

8. Municipal Responsibility: Nothing in this section shall be construed as a responsibility or liability of the City of Foley to construct, operate, or maintain any private street, drainage, open area, park, recreational facility, or any other facility in the PUD, and a hold harmless clause to this effect shall be incorporated into the covenants and deeds running with the land. The developer/owner(s) may dedicate and petition the City Council for City maintenance of streets if they are built to City specifications; however, the City is under no obligation to accept these.

9. Appearance of Public Facilities: All utility structures and other public facilities in the PUD shall be architecturally compatible and landscaped in keeping with the overall design and appearance of the PUD as approved by the Planning Commission.

D. PUD Development Requirements:

Minimum Lot Width at Building Line 40 feet

Minimum Depth of Front Yard 20 feet

Minimum Depth of Rear Yard 15 feet

Minimum Depth of Rear Yard with Pool/Screen 10 feet

Enclosure

Minimum Width of Side Yard 10 feet

Maximum Building Area (% of Gross Lot Area) 50%

Maximum Building Height 85 feet

Maximum Number of Stories 6

Off Street Parking Spaces (per family unit) 2

Maximum Density Per Acre 11

21.2 PUD – PLANNED UNIT DEVELOPMENT REQUIREMENTS

21.2.1 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.

21.2.2 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 zoning applications, planned unit developments may be zoned for the specific uses submitted.

21.2.3 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.

21.2.4 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 zoning application for a development plan for a planned unit development shall be filed by or on behalf of the landowner with the Community Development Director. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the City to evaluate the impact of the development upon the City. Once the PUD master plan has been approved, each phase must be approved by staff and the Planning Commission prior to any permits being issued.

B. The applicant for any type of PUD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PUD. These may include reduced right-of-way width, clustering of units, reduced lot size and setbacks, use considerations, building height variances, design considerations, etc., and shall also identify the benefits of the PUD, including but not limited to:

3. Public Benefits Traffic and utility improvements, regional and local bicycle/pedestrian improvements, buffering from adjacent sites, aesthetic improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.

4. Private Benefits Amenities for site users, open space and recreation,

clustering of uses, creation of neighborhoods, landscaping, traffic circulation, multi-modal circulation, private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests, enhanced architecture and site layout.

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

1. The location and size of the site including its legal description.

2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.

3. The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.

4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.

5. The location, size and character of any common open space, common owned facilities and the form of organization proposed to own and maintain any common open space and common owned facilities.

6. The use and type of buildings, i.e., single family detached, townhouses, or garden apartments, proposed for each portion of the area included within the outline development plan.

7. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, and storm drainage and sewage collection.

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 for public utilities.

9. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.

10. The provisions for the disposition of open space including its development or non-development character and function.

11. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.

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

13. An Application and fee as required for processing.

14. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7

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

21.2.5 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, if any changes, a site plan 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 11.1.1.

21.3 PDD – PLANNED DEVELOPMENT DISTRICT

A. Uses/Structures Permitted: Hotel, motel, conference center, theater, indoor or outdoor entertainment center, recreation facility, museum, community center, restaurant, night club, bar, shopping center, retail store, retail service, personal service, craft studio, bank, professional office, business office, and other similar tourist related entertainment, recreation, service or commercial uses, class 4 clubs or lodges, churches, daycares and high density residential.

B. Uses/Structures Permitted on Appeal: Automobile filling stations; and amusement parks.

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, commercial, industrial, or agricultural use or structure not specifically permitted by the City Council when zoning an area as a PDD; major automobile repairs; manufacturing; outdoor storage, heavy commercial, industry, adult entertainment, building materials, pawn shops, tattoo parlors, auto body shops, auto sales, parts and services, towing company storage yards and junkyards.~~

D. ~~Requirements:~~

~~Minimum District Area~~ 5 Acres

~~Minimum Buffer on all Project Area Boundaries~~ 30 feet

~~Minimum Buffer Between Different Uses~~ 30 feet

~~Maximum Building Area (% of Gross Project Area)~~ 20%

~~Maximum Building Height (feet):~~ 85 feet

~~Maximum Building Height (stories):~~ 6 Stories

~~Maximum Residential Density per Acre~~ 30 units

~~Off - Street Parking (commercial):~~ See Article X, Section 10.1

~~Off Street Parking (Residential)~~ 2 per family unit

~~Off - Street Loading~~ See Article X, Section 10.1.4

E. ~~Landscape Regulations: Native vegetation shall be preserved and incorporated into the development, ensuring the preservation of environmentally sensitive areas. A landscaped buffer is required between different uses. It shall be at least 30 feet wide and planted with native materials or trees in groups, to create a visual barrier. This is to be maintained by the developer and/or owner.~~

21.3.1 PDD – PLANNED DEVELOPMENT DISTRICT

G. ~~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.~~

H. 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.

I. 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.

J. 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.

K. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7.

L. There shall be a minimum of at least fifteen percent (15%) open space in a PDD exclusive of all drives, walkways, parking areas and required drainage. 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.

MULTI-FAMILY & TOWNHOUSE DISTRICTS

MOVE TO PLANNED DISTRICTS

15.1 R-3 RESIDENTIAL MULTI-FAMILY

A. Uses/Structures Permitted: Residential structures containing one or 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; garages and carports; maintenance buildings to serve only one complex; 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.~~

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 13.1.1 or 13.1.2 of Article XIII, 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 Depth of 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): 2~~

~~Off Street Parking Spaces (per family unit) 2~~

~~Maximum Density Per Acre 5~~

~~* or meet Health Department requirements.~~

~~Minimum Lot Area (Two family/Duplex) 10,500 square feet*~~

~~Minimum Lot Width at Building Line 100 feet~~

~~Minimum Depth of Front Yard 30 feet~~

~~Minimum Depth of Rear Yard 30 feet~~

Minimum Width of Each Side Yard	10 feet
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Minimum Depth of Side Yard Abutting Street	30 feet
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Maximum Building Area (% of Gross Lot Area)	40 %
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Minimum Open Space	N/A
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Maximum Building Height (feet):	50 feet
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Maximum Building Height (stories):	3
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Off Street Parking Spaces (per family unit)	2
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Maximum Density Per Acre	8
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* or meet Health Department requirements.

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

15.1.1 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 11.1 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.

5. Off Street Parking:

a. Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts.

b. 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.

c. 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.

d. Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure.

e. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics.

f. 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.

g. 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.

6. ~~Open Space:~~

- a. ~~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.~~
- b. ~~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.~~
- c. ~~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.~~
- d. ~~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.~~

7. ~~Landscaping:~~

- a. ~~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.~~
- b. ~~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.~~
- c. ~~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.~~
- d. ~~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.~~

e. ~~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.~~

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

8. ~~Accessory Structures and Elements:~~

a. ~~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.~~

b. ~~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.~~

c. ~~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.~~

d. ~~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.~~

9. ~~Lighting:~~

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

b. ~~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.~~

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

10. 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.

15.1.2 TH-1 RESIDENTIAL TOWNHOUSE

A. Uses/Structures Permitted: Townhouses and home based businesses

B. Uses/Structures Permitted on Appeal: Residential structures including modular dwellings/uses specifically permitted in R-1C zones; garden patio homes; home occupations.

C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Sections 13.1.1 or 13.1.2 of Article XIII.

D. Requirements:

Minimum Lot Area 2,400 square feet*

Minimum Lot Width at Building Line 24 feet

Minimum Depth of Front Yard 20 feet

Minimum Depth of Rear Yard 15 feet

Minimum Width of Side Yard (on end unit) 16 feet

Minimum Depth of Side Yard Abutting Street 16 feet

Maximum Building Height (feet): 50 feet

Maximum Building Height (stories): 3

Off Street Parking Spaces (per family unit) 2

Maximum Density Per Acre 15

* or meet Health Department requirements.

A. Townhouses shall be designed in such a manner as to be in harmony with the character of the surrounding neighborhood and area. Where conditions are attached by the City Council in zoning an area for townhouses, these conditions shall be included as part of the building permit.

B. It is the intent of this Zoning Ordinance that townhouses:

1. May be appropriately intermingled with other types of housing;
2. Shall not form long, unbroken lines of row housing;

C. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

In line with the general considerations above, the following site plan and design criteria are established:

A. Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous. In groups of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.

B. Minimum width for the portion of the lot on which a townhouse is to be constructed shall be twenty-four (24) feet.

C. Minimum lot area shall be two thousand four hundred (2,400) square feet.

D. No portion of a townhouse or accessory structure in or related to one townhouse complex shall be closer than twenty (20) feet to any portion of the townhouse or accessory structure related to another townhouse complex, or to any building outside the townhouse area.

E. Each townhouse shall be constructed on its own lot.

F. No side yards shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be sixteen (16) feet. Minimum depth of front yards shall be twenty (20) feet.

G. Each townhouse shall have on its own lot, one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property.

H. Off street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off street parking facilities shall be grouped in bays,

~~whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.~~

~~I. In townhouse developments with a total area greater than five (5) acres at least twenty (20) percent of the total area shall be devoted to common open space, exclusive of parking areas, accessory buildings, or required drainage. Such common open areas may include recreational facilities. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.~~

