



Legislation Text

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AN ORDINANCE TO APPROVE AMENDING THE CITY OF FOLEY ZONING ORDINANCE

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

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

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

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

Zoning Ordinance Proposed Amendments:

ARTICLE II - DEFINITIONS

Recreational Vehicle: For the purposes of this Ordinance, a recreational vehicle shall consist of any of the following as herein defined:

Travel Trailer: A travel trailer is a vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.

Camping Trailer: A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle. When unfolded at the site or location, it provides temporary living quarters, and its primary design is for recreation, camping, or travel use.

Truck Camper: A truck camper is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck. It is constructed to provide temporary living quarters and is primarily designed for

recreation, camping, or travel use.

Motor Home: A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car. Its primary purpose is to provide temporary living quarters for recreation, camping, and travel.

Boat: A boat is any recreational vehicle designed or intended for operation on water. Boats and trailers used to transport them shall be considered recreational vehicles and are subject to the same requirements and restrictions applying to other recreational vehicles.

Utility Trailer: A separate vehicle, not driven or propelled by power, designed to transport vehicles and/or other types of personal property or equipment.

ARTICLE VIII - RESIDENTIAL MISCELLANEOUS

8.3 Miscellaneous Provisions in Residential Zones

Recreational Vehicles, Utility Trailers, and Equipment Parked, Stored, or Kept on a Lot or Parcel

A. The owner of the recreational vehicle shall be the owner or lessee of the principal structure of the lot or parcel on which it is located.

B. All recreational vehicles parked, stored, or kept on a lot or parcel zoned residential shall be fully operable, readily movable, kept in good repair, and display the current license plate and/or registration as may be appropriate under state law for the particular type of vehicle.

C. A recreational vehicle may not be permanently attached to utility connections, except as may periodically be required to maintain the equipment and its appliances, if any. Boats and similar recreational vehicles must be on functional operational trailers and stored without the benefit of cradles or other stationary supports.

D. A recreational vehicle may be temporarily parked in a front yard for the limited purposes of loading, unloading, and/or cleaning before or after a trip, not to exceed seven (7) days.

E. Parking is permitted in the rear or side yard provided it is not closer than five (5) feet to any parcel line, lot line, and does not block operable windows or doors of a room of a house used for human habitation through the maintenance of a three (3) foot clearance from the side of the house.

F. The maximum number of recreational vehicles permitted to be parked, stored, or kept on the lot or parcel shall be calculated as follows depending on the zoning of the lot or parcel:

Table 1

Residential Zoning District	Maximum number of Recreational Vehicles
R-1R	3
R-1A	2
R-1B	2
R-1C	2
R-1D	1
R-2	1
R-4	1

G. Multiple recreational vehicles may be on a parcel subject to Table 1 and the following: (1) One RV may be parked, stored, or kept on a parcel without any screening. (2) Up to 3 RVs may be stored on a parcel when screened from view in such a manner that the RVs are not visible from public roadways.

H. Recreational vehicles may only be parked, stored, or kept in a location behind the front façade line of the principal buildings or behind the portion of the front building line farthest from the front lot line if the front of the building is not a continuous straight line (This is not the same as the front yard building set back line).

I. When located in the exterior side yard of a corner lot, screening of the visible side of the recreational vehicle shall be required. Aesthetically sensitive screening shall be provided, which may include evergreen trees and bushes or a combination of fencing and vegetative screening.

J. Recreational vehicles parked, stored, or kept inside any fully enclosed legally permitted accessory structure, carport, or garage shall not be counted against the maximum number of recreational vehicles permitted on a lot or parcel.

K. A recreational vehicle may not be used or occupied for living, sleeping, or housekeeping purposes in residential districts, except as provided herein: Guests may occupy a recreational vehicle for up to fourteen (14) days in a calendar year.

L. It shall be unlawful for any person, whether owner or operator, to leave any recreational vehicle, mobile home, motor home, boat, trailer, utility trailer, or equipment on any public street.

8.4 Utility Trailers and Equipment

A. It shall be unlawful for any person or entity to park, store, or keep utility trailers and equipment

used in the operation of a business on any lot or parcel zoned for residential use except as follows:

One (1) single-axle utility trailer may be stored in a residential area when screened from public view.

B. Commercial construction equipment, whether on or off a trailer, such as bobcats, dozers, and similar equipment typically used in construction, shall not be stored in residential areas.

8.5 Notwithstanding the prohibitions in 8.4(a) and (b), temporary parking of utility trailers and equipment used to provide services to residential properties shall be permitted.

(a) Temporary parking for service provision shall be limited to the duration of the service being provided and shall not exceed 48 hours, unless otherwise authorized by the municipal authorities.

(c) Any utility trailers and equipment parked temporarily for service provision must not impede traffic flow, pedestrian access, or otherwise create a nuisance to the surrounding residential properties.

Amend Article 2.1 definitions in the Zoning Ordinance for "Public Buildings, Governmental" and "Public Building, Proprietary" in alignment with the legislative intent and for consistency with prevailing case law.

Public Building: A building used or designed to be used principally by a municipality, county, state, public corporation, public utility or by the federal government as a courthouse, jail, city hall, auditorium, library, civic center, music hall, art gallery, art center, museum, municipal building, post office, office, warehouse, storage, and other uses deemed necessary by these types of entities.

Public Building, Governmental: ~~A public building used or designed to be used principally by a municipality, county, state, or by the federal government for purposes directly related to the discharge of their governmental powers, such as for courthouses, jails, city hall, post offices, office spaces, and other similar uses.~~

A public building, intended primarily for use by a municipality, county, or state, is authorized by law for the execution of the entity's statutorily sanctioned functions and purposes. This authorization is grounded in the power and authority to perform functions essential for activities reasonably necessary to fulfill the city's governmentally authorized functions and activities.

Public Building, Proprietary: A public building or structure with proprietary purposes serves a commercial or business function through its function or structure, designed to generate revenue. It may be available to the public or commercial establishments ~~A building used or designed to be used principally by a municipality, county, state, public corporation, public utility or by the federal government~~

for purposes that are proper for these entities but which are not directly related to the discharge of their governmental powers, such as for auditoriums, libraries, civic centers, gymnasiums, music halls, art galleries, art centers, museums, warehouses, storage, and other similar uses.

Amend Article 3. Purpose and Method of the Zoning Ordinance to include a new section 3.6 entitled “Zoning Applicability to Public Buildings, Structures and Uses.”

Section 3.6. Zoning Applicability to Public Buildings, Structures and Uses

No street, park, or other public place, open space, or public building or structure, public utilities (publicly or privately owned) within the jurisdiction of the City of Foley, as specified herein, shall be authorized or constructed without compliance with the provisions of this regulation.

3.6.1. Zoning Ordinance Applicability

1. Public Building, Governmental: While it is encouraged to adhere to specific zoning regulations for Public Building, Governmental in nature, such as parks, public places, open spaces, or public buildings, it is not required. The approval criteria remain in accordance with the requirements outlined in the Code of Alabama, Section 11-52-11. The Planning Commission's review focusing on location, character, and extent, in conjunction with the Comprehensive Plan (master plan).
2. Public Building, Proprietary: Compliance with the zoning ordinance is mandatory for buildings and uses defined as Public Building, Proprietary. Additionally, the Code of Alabama, Section 11-52-11 review by the Planning Commission is mandatory.
3. Change in Use or Conditions: When changes occur affecting the status of public buildings, structures and uses, the following provisions apply:
 - a. If a public building and/or property ceases to be used for general government purposes, the property shall immediately become subject to the zoning ordinance and other relevant municipal ordinances as applicable.
 - b. Upon the sale of public property or a change of use for property used for general government purposes, the buyer or public entity must initiate a rezoning request within 60 days. Failure to initiate this request within the specified timeframe will result in the property being ineligible for subdivision, site plan approval, or a building permit until it has been properly zoned in accordance with this section.
 - c. At the discretion of the Planning Commission, a zoning amendment may be initiated through Article V. 5.3.

3.6.2 Zoning Map Adjustment for Governmental Public Structures and/or Uses: Any public building, use, or structure of a general governmental nature, or the parcel it occupies, currently contains a “zoning” designation, shall have its “zoning” designation removed. The subject parcels should bear an appropriate descriptive title, accompanied by "public use," for example, "Max Griffin Park - Public Use." The review and approval of projects within this category will be exclusively through the Planning Commission pursuant COA, 11-52-11, for location, character and extent.