

City of Foley, AL



Signature Copy

Ordinance: 20-2023-ORD

407 E. Laurel Avenue
Foley, AL 36535

File Number: 20-0526

Enactment Number: 20-2023-ORD

Zoning Ordinance Amendments

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:

DEFINITIONS:

CLUBS / LODGES: A club or lodge means an association of persons or a use of property by an association of persons organized for some common purpose(s), including social, fraternal, literary, political, educational, historical, or recreational purposes, but excluding such groups organized primarily to render a service which is customarily carried on as a business, such as a bar or lounge. A Club or Lodge is further defined by the following classifications:

- Class 1 Club or Lodge Not for Profit Does not sell or provide alcohol
- Class 2 Club or Lodge Nor for Profit Does sell or provide alcohol
- Class 3 Club or Lodge For Profit Does not sell or provide alcohol
- Class 4 Club or Lodge For Profit Does sell or provide alcohol

If a certain Class of Club or Lodge is allowed by right in a district, then that Class or any lower numbered Class is allowed by right in that district (e.g., if a district allows Class 2 Club or Lounge, then Class 2 or Class 1 Clubs or Lounges can be located in that district by right).

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;
- B. Public buildings of a governmental nature;
- C. Unlighted recreational facilities, including parks, playgrounds, stadiums, etc;

- D. Accessory Structures;
- E. Class 1 Clubs or Lodges

13.1.2 USES / STRUCTURES PERMITTED ON APPEAL

Unless specifically prohibited in a particular zoning district, the following uses and structures are permitted on appeal 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 adult care facilities;
- 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.

19.1 AO - AGRICULTURAL OPEN SPACE

A. Uses/Structures Permitted: Farms, residential uses and structures not prohibited modular dwellings, parks, playgrounds, Class 2 Clubs or Lodges, public and private forests, wildlife refuges, stables, kennels, home occupations, home based businesses, churches, schools, public buildings, and other accessory uses to the above.

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

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

17.1.1 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 and similar services; joint residential and commercial use; any residential use not prohibited; any retail business not specifically restricted herein, Class 4 Clubs

or Lodges, places of amusement and assembly, ho-tels.

17.1.2 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; 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.

17.1.3 B-2 NEIGHBORHOOD BUSINESS DISTRICT

A. Uses/Structures Permitted: Stores selling food, restaurants, general merchandise, apparel, furniture, housewares and house-hold goods, drugs and sun-dries, 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; and similar services; automobile filling stations, office/warehouses; drive-in eating places, motels, automobile repair (minor); any retail business not specifically re-stricted herein; Class 4 Clubs or Lodges, any residential use not prohibited; places of amusement and assembly, and hotels.

17.1.4 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; small business and professional offices, office/warehouses, residential uses not prohibited herein, Class 4 Clubs or Lodges, and other similar small retail businesses units not specifically prohibited herein.

17.2 PO - PREFERRED OFFICE DISTRICT

- A. Uses/Structures Permitted: Any governmental use or structure having characteristics compatible with this district; professional and business offices which shall include, but not be limited to, offices for lawyers, architects, engineers, insurance and real estate companies; research or testing laboratories compatible with other permitted uses; medical and dental offices (including clinics).
- B. Uses/Structures Permitted on Appeal: Schools, clinics, mortuaries, banks, small retail establishments related to the office use such as snack bars and pharmacies provided the sole entrance to such establishment is inside the office structure; Class 2 Clubs or Lodges, and other uses not prohibited.

18.1 M1 - LIGHT INDUSTRIAL DISTRICT

- A. Uses/Structures Permitted: Buildings used for the operation of light industrial, fabricating, processing, assembling and manufacturing, bottling and distribution plants, woodworking shops, cabinet shops, contractor or building material yards, highway maintenance yards and buildings, laundry and dry cleaning plants and printing establishments; wholesale sales.
- B. Uses/Structures Permitted on Appeal: Any use permitted in districts B-1, B-2, or B-3, and other industrial or commercial uses not specifically prohibited; self-storage warehouses and towing company storage yards.
- C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including any residential use or structure, except that of a watchman or caretaker; Class 1, 2, 3 & 4 Clubs or Lodges, poultry and livestock; storage of junk or wrecked automobiles other than for repair or service, explosive products manufacture, garbage disposal plants or sanitary landfills.

18.2 PID - PLANNED INDUSTRIAL DISTRICT

A. Uses Permitted/Prohibited:

Within a Planned Industrial District as shown on the official Zoning Maps of the City of Foley, Alabama, the following regulations shall apply:

1. Uses Permitted: Examples of uses permitted include but are not limited to:

Commercial heliports and/or helipads; Aviation manufacturers & associated uses: Computer and data processing services; Educational, scientific, and research organizations; Engineering, architectural, and design services; Federal, state, county, city or public utilities owned or operated buildings and uses; Manufacturing, processing, fabrication or assembly of the following: Apparel; automotive and implements; electrical and electronic machinery, equipment and supplies; food and similar products intended for human consumption; lumber and wood products; machinery other than electrical; metal and metal products; plastics, glass and rubber products; printing and publishing; professional, scientific, and controlling instruments; research and development operations; textile mill products; and transportation equipment; Medical and dental laboratories; Office buildings for general office purposes; Retail uses compatible to other allowed uses in a PID; Office Warehouses; Wholesale/Distributing; Warehousing, interior storage, and distribution in conjunction with manufacturing, assembly and office use; Exterior storage in conjunction with the above mentioned uses, completely screened from adjacent property lines and streets; and Accessory structures and uses to those permitted herein.

2. Uses Prohibited: Junkyards, including wrecker yards; explosive products manufacturing; garbage disposal plants; sanitary landfills; asphalt and concrete plants, Class 1, 2, 3 & 4 Clubs & Lodges, and other uses that are

detrimental to the health, safety, morals and general welfare of the community and the area.

20.1 PUD - PLANNED UNIT DEVELOPMENT

20.1.1 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.
 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.

20.3 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, 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.

SECTION 2: That the official Zoning Map of the City of Foley be revised to indicate this amendment and duly certified by the appropriate municipal officials.

SECTION 3: This Ordinance shall become effective immediately upon its adoption as required by law.

PASSED, APPROVED AND ADOPTED this 7th day of December, 2020.

President's Signature _____

Date _____

Attest By City Clerk _____

Date _____

Mayor's Signature _____

Date _____