

City of Foley, AL



Signature Copy

407 E. Laurel Avenue
Foley, AL 36535

Ordinance: 25-2013-ORD

File Number: 25-0139

Enactment Number: 25-2013-ORD

AN ORDINANCE 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:

2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE

Domesticated Animal: Any animal used as a pet that is not a cat or a dog, including, but not limited to, rabbits, squirrels, raccoons, pot-bellied pigs, birds, snakes, or reptiles.

Domesticated Pot-Bellied Pig: a non-livestock breed of swine (commonly of the Vietnamese or Asian pot-bellied pig varieties) that is specifically bred and kept as a household pet.

Domestic poultry (Hen): Female chickens and ducks raised for their edible eggs. Specifically excluding roosters (male chickens), drakes (male ducks), and all other species of fowl.

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 or share the same entrances. Where an existing single story structure is located in a zone that allows Joint Residential & Commercial Use, it may also be used for that purpose providing that it can maintain separate entrances, and achieve full compliance with Building Code separation of use and any applicable fire suppression requirements.

Livestock: The term "livestock" shall refer to equine or equidae, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs; excluding "domesticated animals" (see definitions).

6.1.3 JOINT OCCUPANCY

No building, structure or dwelling unit located within a residential zone shall be erected, structurally altered for, or used as a family dwelling simultaneously with any non-residential use, except as specifically allowed for in home-based businesses and home occupations.

6.5 REDUCTIONS IN LOT AREA PROHIBITED

Unless located within a planned development that receives approval through the Planning Commission, no lot shall be reduced in area or altered in shape so that the lot itself, the existing yards, or any aspect of the lot or the existing or proposed structures would violate this Ordinance unless and until the Board of Adjustment and Appeals first grants a variance from the offended provisions of this Ordinance.

8.3.F

The maximum number of recreational vehicles permitted to be parked, stored, or kept on the lot or parcel shall be calculated per Table 8.3.F.1 depending on the zoning of the lot or parcel. Property owners will be responsible for confirming that RV parking/storage is not otherwise disallowed by restrictive covenants.

Table 8.3.F.1

Residential Zoning District	Max # of Recreational Vehicles
R-1R	3
R-1A	2
R-1B	2
R-1C	2
R-1D	1
R-2	1
R-4	1
GPH-1	1
MH-1	1
AO	4
Residential Single Family lots within a Planned Dev	1
Legal Non-Conforming Single Family Residence located in a higher density or commercial zone	1

8.3.1 UTILITY TRAILERS AND EQUIPMENT

8.4 ANIMALS AND POULTRY IN RESIDENTIAL ZONES

Domesticated animals (as defined in Section 2.1) are permitted in residential zones R-1R, R-1A, R-1B, R-1C, R-1D, R-2, and R-4 in accordance with the minimum acreage requirements found in Table 8.4.1. When different animals are combined the required acreage shall be the sum of the minimum acreages required for each animal. Property owners will be responsible for confirming that the keeping of non-traditional domesticated animals as pets is not otherwise disallowed by restrictive covenants.

Table 8.4.1

Animal	Minimum Acreage	Maximum Number Permitted
Domestic Pot Belly Pig	0.5	2 total
Domestic Poultry	<0.5 acres	4 total
Domestic Poultry	>0.5 acres	8 hens per 0.5 acres

Additionally, the following restrictions will apply:

- a. Owners or persons-in-charge of domesticated animals and domestic poultry hens shall not knowingly, voluntarily, or willfully permit them to roam freely within the city.

- b. Enclosures may only be located in a rear yard and must meet accessory structure setbacks.
- c. Enclosures shall be maintained and kept clean in order to prevent excessive odor and pest or rodent infestation causing a nuisance to neighbors.
- d. The selling of eggs, fertilizer, or breeding of hens is prohibited.
- e. The slaughter of domestic poultry for sale in residential zones is prohibited.

8.5 DUPLEX - FORM BASED CODE

- A. The purpose of a Form Based Code is to consider:
 1. Neighborhood context - The design should be consistent with, compliment or improve upon the design character of the immediate neighborhood.
 2. Variety of Design - The duplex should incorporate design elements which help break up the mass of the building and provide visual interest.
- B. These guidelines are intended to protect viable and stable neighborhoods in keeping with their established character and use. They are applicable to Duplexes allowed in any Residential or Planned zone.
- C. DEFINITIONS APPLICABLE TO THIS SECTION:
 1. Architectural Details - Include but are not limited to: porch railings; column size, taper, base and molding; dormer windows; shutters; and similar.
 2. Building Facade Recesses - Porches or patios
 3. Landscaping - Sod alone does not constitute landscaping for the purpose of this section; trees, bushes, and other items included in the definition of "Landscaping Material" must also be provided to effectively incorporate the duplex into the surrounding neighborhood.
 4. Pedestrian or Vehicular Courtyard - A break in the primary facade facing the street that: recess no more than 50% of the width of the facade; recess a minimum of 8' in depth; and, shall be enclosed on 3 sides by the building facade.
 5. Transparency - All building facades along public frontages shall have a minimum of 20% transparency with glass; All glass facing a public frontage must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted); Glass cannot be made opaque by window treatments (Except for operable sunscreen devices inside the structure within the climate controlled space); and, Security bars on windows or doors shall not be visible from the street.
- D. REQUIREMENTS:
 1. The primary facade facing the street shall include the following:
 - i. Landscaping
 - ii. Transparency
 - iii. The primary facade facing the street shall also include at least one of the following:

- Architectural Details
- Building Facade Recess
- Pedestrian or Vehicular Courtyard

9.3 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 commercial zoning districts. 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.

Privacy wood / vinyl fences must be built finished side out, facing public right-of-ways or parking areas. Decorative metal and chain link fences are also allowed in commercial areas. Stock type fencing (hog wire, chicken wire, goat wire, livestock & similar), tin / metal panels and razor wire are prohibited in all commercial zones. See Exhibit D for Examples. Barbed Wire, Razor Wire, or Stock Type Fencing may be allowed in M-1 Industrial Zoning when approved by Special Exception from the Board of Adjustment and Appeals, or in a PID if included in the Master Plan approved by Planning Commission.

9.4 JOINT COMMERCIAL/RESIDENTIAL USE

Joint commercial/residential use is intended to encourage mixed use development on commercially zoned properties. The residential uses shall be designed in such a way that they are compatible with the commercial uses and shall not share the same entrances. Residential and commercial uses shall not occupy the same floor of a building, except as described in Section 2.1 Definitions.

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). Each 2,000 square feet of required commercial must be built first or simultaneously with each dwelling unit. In no instance shall the total residential square footage exceed the total commercial square footage.

10.1 PARKING REQUIREMENTS

A. Off-street automobile parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use as herein provided. Excessive overparking (>20% of required) should be avoided when possible or justified through appropriate site-use comparisons using the ITE Parking Generation Manual.

11.1 SITE PLAN REVIEW

Site plan approval by the Planning Commission is required for each phase of a Planned Development. Site plans are also required to be submitted to the Planning Commission for input in cases where the proposed development meets the following criteria. A 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
- B. Commercial developments where the total area exceeds three (3) gross acres.
- C. Commercial developments where the total structure area exceeds fifty thousand (50,000) square feet.

D. Places of amusement over three (3) acres.

11.1.1 SITE PLAN CONTENTS

H. Landscape Plan (including Street Trees and Greenbelt Zones if applicable)

I. Photometric Plans

J. Architectural Renderings/Elevations for Proposed Buildings

14.1.6 R-2 RESIDENTIAL SINGLE FAMILY AND DUPLEX

E. ADDITIONAL REQUIREMENTS FOR DUPLEXES CAN BE FOUND IN SECTION 8.5 “Duplex Form Based Code”.

14.1.7 R-4 RESIDENTIAL SINGLE FAMILY AND DUPLEX

E. ADDITIONAL REQUIREMENTS FOR DUPLEXES CAN BE FOUND IN SECTION 8.5 Duplex Form Based Code.

16.1 MH-1 MOBILE / MANUFACTURED DWELLING PARK

A. Uses / Structures Permitted: Mobile / manufactured dwellings; modular dwellings; and home based businesses.

18.1.2 B-1A EXTENDED BUSINESS DISTRICT

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, towing company storage yard.

18.1.3 B-2 NEIGHBORHOOD BUSINESS DISTRICT

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, towing company storage yard.

18.1.4 B-3 LOCAL BUSINESS DISTRICT

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, towing company storage yard.

18.2 PO - PREFERRED OFFICE DISTRICT

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; any retail business or establishment that is not related or incidental to the office use or any retail business or establishment that has an entrance other than from inside the office structure; veterinary clinics / hospitals; pet grooming; kennels and poultry and livestock; mobile/manufactured dwellings; recreational vehicles, towing company storage yard.

18.2.F.1.c BAA approved Duplexes must also comply with the form based code requirements for duplexes as found in Section 8.5 “Duplex Form Based Code”.

21.1.1 R-3 RESIDENTIAL MULTI-FAMILY

D. See Section 8.5 “Duplex Form Based Code” for additional requirements.

21.1.2 TH-1 RESIDENTIAL TOWNHOUSE

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

21.2.1.A. A PUD must have a minimum of three (3) or more contiguous acres that are not separated by any right-of-way.

21.2.1.C. #6-9, relocate to 21.2.1.B. #1-4

1. 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.

2. 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. The City's Land Development Ordinance also contains guidance and requirements for Conservation Green Space that must be met in conjunction with this Zoning Ordinance Open Space requirement.

3. 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.

4. 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.

21.2.1.D. PUD Development Requirements - Single Family/Duplex

See Section 8.5 "Duplex Form Based Code" for additional Duplex requirements.

21.5 PDD - DEVELOPMENT STANDARDS

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; 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

Maximum Building Area (% of Gross Project Area) 60%

22.5 - SIGNS REQUIRING A PERMIT

E. OTHER SIGNAGE ALLOWED

Zone	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Number of Signs	Electronic Allowed?
OSPGround	200 sf	2	25 ft	Indirect/ Internal	1 per entrance	Yes	
AO	ZBAA approved temporary		Roadside Stand	32 sf	2	5 ft	None 1 No

PASSED, APPROVED AND ADOPTED this 5th, day of May, 2025.

President Signature _____ **Date** _____

Attest by City Clerk _____ **Date** _____

Mayor Signature _____ **Date** _____