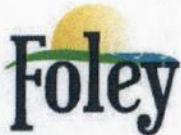


This Instrument
Prepared By:



407 E. Laurel Avenue
Foley, AL 36535

City of Foley, AL

Signature Copy

Ordinance: 26-2012-ORD

2249253



BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 04/24/2026 12:11 PM
TOTAL \$22.00 4 Pages

File Number: 26-0108

Enactment Number: 26-2012-ORD

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:

ARTICLE II - Definitions

Tiny House: A dwelling, built on a permanent foundation or in a factory, having 400 square feet of conditioned floor area or less (excluding the loft) intended as a permanent or semi-permanent residential dwelling.

Tiny House on wheels (THOW): A structure that is 400 square feet in area or less, excluding the loft, designed or built on a trailer chassis or wheeled platform, whether or not wheels remain attached, and constructed to ANSI or NFPA recreational vehicle standards rather than the International Residential Code (IRC). THOWs are not considered dwellings for the purposes of this Ordinance.

8.1 ACCESSORY STRUCTURES

All accessory structures, including Accessory Dwelling Units (ADU), shall conform to the following regulations:

A. Providing the size, location, and setback requirements listed in sections 8.1.1 and 8.1.2 can be met in full, any primary residence may have a maximum of two (2) accessory structures, one (1) of which may be an Accessory Dwelling Unit (ADU).

B. The total ground coverage of the accessory structures may not exceed 40% of the yards in

which they are located.

C. No accessory structure may be built prior to the primary residence, except as noted in 8.1.G.a.

D. No accessory structure shall be erected in any front yard or any street-side yard on a corner lot.

E. Accessory structures shall not exceed the overall height of the primary structure and in no case shall exceed two (2) stories;

F. An ADU shall not cover more than 30% of the yard in which it is located;

G. Exceptions for AO - Agriculture Open Space zoned properties:

a. Accessory structures may be built prior to the primary residence and are limited to two (2) stories. When built first, they should be planned for a location within the future primary residence's rear yard.

b. A single Accessory Dwelling Unit may be built and is limited to 60% of the planned primary residence size.

c. The total number of accessory structures allowed is not limited in quantity but only one (1) of the accessory structures may be an Accessory Dwelling Unit (ADU). The combined area covered by accessory structures must not exceed 40% of total rear and side yards in which they are located.

8.1.1 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.

Accessory Dwelling Units shall also conform to the following regulations:

A. Only one ADU is allowed per primary residence.

B. Any dwelling unit less than 800 SF is considered an accessory dwelling.

C. Recreational Vehicles, Manufactured Homes, Tiny Houses on Wheels (THOWs), and storage sheds not intended for residential use may not be used as an ADU.

D. The ADU ground floor square footage shall not exceed 60% of the ground floor square footage of the principal residence, nor may the total square footage of the ADU exceed 60% of the total square footage of the principal residence.

E. An ADU shall be at least 10 feet from all lot lines and 10 feet from any other structure on the same lot.

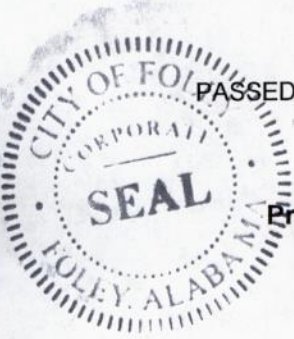
F. The construction of ADUs shall conform to the current International Residential Code (IRC) as adopted and amended by the City of Foley. ADUs that are 400 SF in area or less (excluding lofts) must conform to the requirements of IRC Appendix BB for Tiny Houses.

G. ADUs must be a minimum of 200 square feet in area (excluding lofts).

APPENDIX: Exhibit C. Foley Medical Overlay District (FMOD) Map

THIS ORDINANCE WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION AS REQUIRED BY LAW

PASSED, APPROVED AND ADOPTED this 20th day of April, 2026.



President's Signature *[Handwritten Signature]*

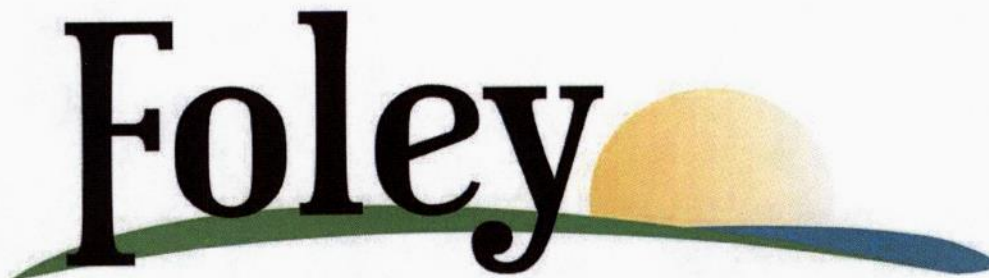
Date 4-20-26

City Clerk Signature *[Handwritten Signature]*

Date 4-20-26

Mayor Signature *[Handwritten Signature]*

Date 4/20/26



Planning & Development Services

120 S. MCKENZIE STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

February 23, 2026

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

RE: Zoning Ordinance Amendments Recommendation

Dear Mayor Hellmich and City Council Members:

The City of Foley Planning Commission held a regular meeting on February 18, 2026 and the following action was taken:

Zoning Ordinance Amendments

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

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

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

Respectfully,

Melissa Ringler

Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: Ralph Hellmich

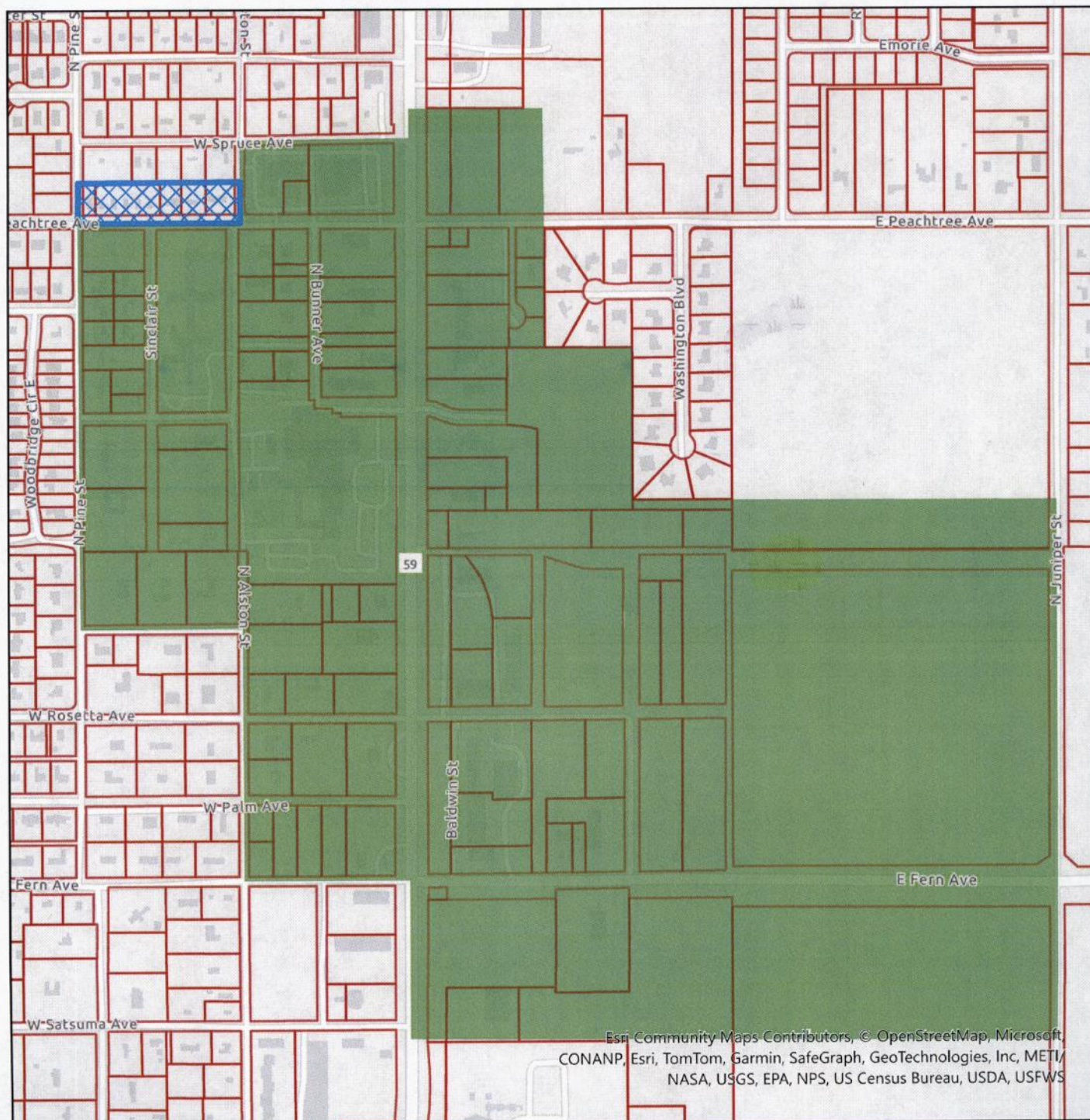
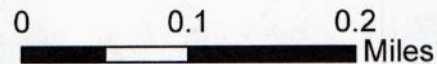
CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

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

Foley Medical Overlay District

- Existing FMOD
- Proposed Expansion



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Tiny House ADU Amendments to the Zoning Ordinance

ARTICLE II - Definitions

Tiny House: A dwelling, built on a permanent foundation or in a factory, having 400 square feet of conditioned floor area or less (excluding the loft) intended as a permanent or semi-permanent residential dwelling.

Tiny House on wheels (THOW): A structure that is 400 square feet in area or less, excluding the loft, designed or built on a trailer chassis or wheeled platform, whether or not wheels remain attached, and constructed to ANSI or NFPA recreational vehicle standards rather than the International Residential Code (IRC). THOWs are not considered dwellings for the purposes of this Ordinance.

8.1 ACCESSORY STRUCTURES

All accessory structures, including Accessory Dwelling Units (ADU), shall conform to the following regulations:

- A. Providing the size, location, and setback requirements listed in sections 8.1.1 and 8.1.2 can be met in full, any primary residence may have a maximum of two (2) accessory structures, one (1) of which may be an Accessory Dwelling Unit (ADU).
- B. The total ground coverage of the accessory structures may not exceed 40% of the yards in which they are located.
- C. No accessory structure may be built prior to the primary residence, except as noted in 8.1.~~D~~G.a.
- D. No accessory structure shall be erected in any front yard or any street-side yard on a corner lot.
- E. Accessory structures shall not exceed the overall height of the primary structure and in no case shall exceed two (2) stories;
- F. An ADU shall not cover more than 30% of the yard in which it is located;
- G. Exceptions for AO - Agriculture Open Space zoned properties:
 - a. Accessory structures may be built prior to the primary residence and are limited to two (2) stories. When built first, they should be planned for a location within the future primary residence's rear yard.
 - b. A single Accessory Dwelling Unit may be built and is limited to 60% of the planned primary residence size.
 - c. The total number of accessory structures allowed is not limited in quantity but only one (1) of the accessory structures may be an Accessory Dwelling Unit (ADU). The combined area covered by accessory structures must not exceed 40% of total rear and side yards in which they are located.

8.1.1 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.

Accessory Dwelling Units shall also conform to the following regulations:

- A. Only one ADU is allowed per primary residence.
- B. Any dwelling unit less than 800 SF is considered an accessory dwelling.
- C. ~~Neither~~ Recreational Vehicles, ~~nor~~ Manufactured Homes, Tiny Houses on Wheels (THOWs), and storage sheds not intended for residential use may not be used as an ADU.
- D. The ADU ground floor square footage shall not exceed 60% of the ~~size in square feet of the~~ ground floor square footage of the principal residence, ~~nor~~ ~~Neither~~ may the total square footage of the ADU exceed 60% of the total square footage of the principal residence ~~total square footage~~.
- E. An ADU shall be at least 10 feet from all lot lines and 10 feet from any other structure on the same lot.
- F. The construction of ADUs shall conform to the current International Residential Code (IRC) as adopted and amended by the City of Foley. ADUs that are 400 SF in area or less (excluding lofts) must conform to the requirements of IRC Appendix BB for Tiny Houses.
- G. ADUs must be a minimum of 200 square feet in area (excluding lofts).