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Ordinance: 16-2025-ORD

File Number: 16-0614

Enactment Number: 16-2025-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:

4.6 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:

- A. Multi-family and commercial developments where the total area exceeds three (3) gross acres.
- B. Commercial developments where the total structure area exceeds fifty

thousand (50,000) square feet.

C. 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.

4.6.1 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.

6.1.3 JOINT OCCUPANCY

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

6.9 TEMPORARY/MOBILE STRUCTURES USED FOR BUSINESS

- A. Vendors may operate on private property with written permission from the property owners. The parcel must be zoned for non-residential uses or may be placed on public property within approved areas. Any public property use must be approved by a City Representative prior to any permits being issued. These temporary/mobile structures may be allowed for a period not to exceed six (6) months during a single calendar year.
- B. Mobile food vending units shall be located at least ten (10) feet away from the nearest building unless otherwise approved by the City of Foley Fire Department. Vendors shall serve only walk-up customers, not customers in a motor vehicle; shall not broadcast loud music or advertisements; no signage is allowed except signage affixed to the mobile vending unit identifying the vendor and menu/price information; and, vendors must provide for adequate waste collection from their customers. Vendors must operate in a safe and sanitary manner approved by the Alabama Health Department.

6.17 METAL BUILDING FACADES

All metal buildings constructed along major arterial, minor arterial and collector streets (as defined in Resolution No. 3213-07 and amendments) are required to have a façade

which may be composed of stucco, brick, scored concrete, split-face concrete block, wood or a combination of these materials. This does not include architectural panels that are part of a business brand or part of an overall architectural design. This standard applies to:

- A. City zoning districts including B1, B1A, B2, B3, PO and commercial/industrial portions of PUD, PDD and PID.
- B. No more than twenty-five (25%) percent of any façade shall be composed of metal siding.
- C. The requirement is for any portion of the structure that faces a public right-of-way.
- D. The facades shall extend for a minimum of ten (10) feet along building elevations not adjacent to a thoroughfare.

7.3.1 B-1 CENTRAL BUSINESS DISTRICT

- A. Uses/Structures Permitted: Stores selling food, restaurants/drive-in eating places, general merchandise, apparel, furniture, housewares and house-hold wares, drugs and sun-dries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair shops; offices; banks; post offices and similar services; joint residential and commercial use; any residential use not prohibited; any retail business not specifically restricted herein, 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; self-storage warehouses; 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 7.1.1 or 7.1.2 of this Article, including kennels; towing company storage yard; industrial uses not specifically permitted herein; mobile/manufactured dwellings; modular dwellings; R.V.'s; and wholesale businesses.

14.6 "FOLEY DOWNTOWN OVERLAY DISTRICT (FDOD)"

14.12 OUTDOOR DINING

Sidewalk dining areas, extending from existing restaurants, on the public right-of-way must be approved by City staff. If City staff have any concerns with the request, it may be forwarded to City Council for a decision. The areas cannot be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. The number of allowable outdoor seats shall be no greater than thirty (30%) percent of the total permitted occupancy inside the restaurant. This use may require temporary buffers for the safety of the diners.

14.15 "FOLEY BEACH EXPRESS OVERLAY DISTRICT (FBEOD)":

14.29 OUTDOOR DINING:

Sidewalk dining areas, extending from existing restaurants, on the public right-of-way must be approved by City staff. If City staff have any concerns with the request, it may be forwarded to City Council for a decision. The areas cannot be an impediment to pedestrian traffic or block required ingress/egress paths of existing businesses. The number of allowable outdoor seats shall be no greater than thirty (30) percent of the total permitted occupancy inside the restaurant. This use may require temporary buffers for the safety of the diners.

PASSED, APPROVED AND ADOPTED this 5th day of December, 2016.

President's Signature _____

Date _____

Attest by City Clerk _____

Date _____

Mayor's Signature _____

Date _____