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**Ordinance: 21-2012-ORD**

407 E. Laurel Avenue  
Foley, AL 36535

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**File Number: 21-0232**

**Enactment Number: 21-2012-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:

**NO NEW PROPERTIES WILL BE ZONED R1D.**

**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 including Modular Structures. Excluding: Mobile/Manufactured Homes & Recreational Vehicles.
  - 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. 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.
6. 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.
7. 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.
8. 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.
9. 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.

D. PUD Development Requirements:

Minimum Lot Width at Building Line	40 feet	
Minimum Depth of Front Yard	20 feet	
Minimum Depth of Rear Yard	15 feet	
Minimum Depth of Rear Yard with Pool/Screen Enclosure		10 feet
Minimum Width of Side Yard	10 feet	
Maximum Building Area (% of Gross Lot Area)	50%	
Maximum Building Height	85 feet	
Maximum Number of Stories	6	
Off-Street Parking Spaces (per family unit)		2
Maximum Density Per Acre	11	

**20.2 PUD - PLANNED UNIT DEVELOPMENT REQUIREMENTS**

**20.2.1 PURPOSE**

The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare both in the use and occupancy of buildings and facilities in planned groups.

**20.2.2 APPROVAL**

Subject to the approval of the City Council after a review and report by the Planning Commission and after a public hearing is held, as required for all zoning applications, planned unit developments may be zoned for the specific uses submitted.

**20.2.3 PRE-APPLICATION CONFERENCE**

To expedite the review of a planned unit development, coordinate its local review in respect to the provisions of this Ordinance with necessary county, state and federal agency reviews, and to inform the City of a planned unit development in the preparation, a Pre-Application Plan Review shall be processed as required by this ordinance and in accordance with the procedures established by the Community Development Department. The pre-application review will serve several purposes and focus on the following items:

To inform the City of any planned unit development plans in progress together with the scale and character of the plan so that the City may recognize the proposed

development in any of its physical or facility planning for the entire City.

To inform the applicant of the City's informal response as to the scale and character of the proposed development and to alert the applicant of any specific areas of concern that the City may have for that specific site or proposed plan.

To clarify and inform both the applicant and the City in respect to the development plan approval procedure including an anticipated application time and review period. To enable the applicant to inform the City of the requirements, procedures and status of the various county, state and federal agency reviews.

#### **20.2.4 SUBMISSION REQUIREMENTS**

In order to provide an expeditious method for processing a plan for a planned unit development under the terms of this Ordinance, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

- A. A zoning application for a development plan for a planned unit development shall be filed by or on behalf of the landowner with the Community Development Director. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the City to evaluate the impact of the development upon the City. Once the PUD master plan has been approved, each phase must be approved by staff and the Planning Commission prior to any permits being issued.
- B. The applicant for any type of PUD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PUD. These may include reduced right-of-way width, clustering of units, reduced lot size and setbacks, use considerations, building height variances, design considerations, etc., and shall also identify the benefits of the PUD, including but not limited to:
  1. Public Benefits- Traffic and utility improvements, regional and local bicycle/pedestrian improvements, buffering from adjacent sites, aesthetic improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.
  2. Private Benefits - Amenities for site users, open space and recreation, clustering of uses, creation of neighborhoods, landscaping, traffic circulation, multi-modal circulation, private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests, enhanced architecture and site layout.
- C. The following information shall be submitted with the applications:

1. The location and size of the site including its legal description.
2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
3. The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.
4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.
5. The location, size and character of any common open space, common owned facilities and the form of organization proposed to own and maintain any common open space and common owned facilities.
6. The use and type of buildings, i.e., single-family detached, townhouses, or garden apartments, proposed for each portion of the area included within the outline development plan.
7. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, and storm drainage and sewage collection
8. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
9. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.
10. The provisions for the disposition of open space including its development or non-development character and function.
11. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
12. Any additional data, plans or specifications as the applicant or the City may believe are pertinent to the proposed planned unit development.
13. An Application and fee as required for processing.
14. A Master Signage Plan meeting the criteria of Article XXI, Section 21.7

D. The application for development approval of a planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be consistent with the City's statement of purposes on planned unit development.

**20.2.5 REVIEW PROCEDURE**

An application for a development plan of a planned unit development shall be filed with the Community Development Director. Upon receipt of said application, the Community Development Director shall review said application to determine its appropriateness and completeness and accept or reject the application. Upon acceptance of the application, the City's administrative staff shall review said application and submit the application, together with all supporting documentation and their recommendations thereof to the Planning Commission. The Planning Commission shall report on recommendations to the City Council. Once the property has been zoned PUD, and the final plan has been completed, if any changes, a site plan must be submitted to the Community Development Director. The final plan must include at a minimum the site plan contents listed in the City of Foley Zoning Ordinance, Section 11.1.1.

PASSED, APPROVED AND ADOPTED this 7th day of June, 2021.

**President's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Attest By City Clerk** \_\_\_\_\_

**Date** \_\_\_\_\_

**Mayor's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_