

**CITY OF FOLEY
PLANNING COMMISSION**

WORK SESSION

April 10, 2024

City Hall

Council Chambers

At 5:30 p.m.

&

MEETING

April 17, 2024

City Hall

Council Chambers

At 5:30 p.m.

**PLANNING COMMISSION
WORK SESSION AGENDA APRIL 10, 2024
&
MEETING AGENDA APRIL 17, 2024
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission will hold a work session on April 10, 2024 at 5:30 p.m. and a meeting on April 17, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

MINUTES:

Approval of the March 13, 2024 and March 20, 2024 meeting minutes.

AGENDA ITEMS:

1. Common Lot Line Shift for Block B Eliza Carson- Minor

The City of Foley Planning Commission has received a request for approval of the Common Lot Line Shift for Block B Eliza Carson Subdivision, a minor subdivision which consists of 1.17 +/- acres and 4 lots. Property is located S. of Sunflower Ave. & W. of S. McKenzie St. Applicant is Smith Clark & Associates, LLC.

Planning Commission Action:

2. Sable Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of Sable Subdivision, a minor subdivision which consists of 3.94 +/- acres and 2 lots. Property is located E. of County Rd. 65 and N. of County Rd. 12 S. and is located in the City of Foley Planning Jurisdiction. Applicant is Beyond Measure Surveying, LLC.

Public Hearing:

Planning Commission Action:

3. Aster Brook Subdivision – Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Aster Brook Subdivision which consists of 28.59 +/- acres and 39 lots. Property is located N. of Cater Lee Way and W. of Dale Ln. and is located in the City of Foley Planning Jurisdiction. Applicant is Goodwyn Mills Cawood, LLC.

Public Hearing:

Planning Commission Action:

4. Zoning Ordinance Amendments

Public Hearing:

Planning Commission Action:

Will be provided

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WORK SESSION ONLY:

5. Jim Brown- Discussion

Discuss constructing commercial buildings to be located S. of County Rd. 20 and E. of S. Juniper St.

WITHDRAWN

6. Zoning Ordinance Amendments- Discuss

ADJOURN:

ADD-ON for WORK SESSION ONLY:

7. Wayne Dyess - Discussion on "Neighborhood Street Trees"

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The City of Foley Planning Commission held a work session on March 13, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Larry Engel, Ralph Hellmich, Wes Abrams, Phillip Hinesley and Calvin Hare. Absent members were: Vera Quaites, Tommy Gebhart and Bill Swanson. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer, Wayne Dyess, Executive Director of Infrastructure and Development; Angie Eckman, Environmental Manager; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

AGENDA ITEMS:

1. **Goodwill Gulf Coast – Site Plan Extension 6 months**

The City of Foley Planning Commission has received a 6 month site plan extension request for Goodwill Gulf Coast. Property is located at 200 E. Azalea Ave. Applicant is Piedmont Companies.

Mrs. Miriam Boone stated staff is recommending approval of the site plan extension. She explained there have been no zoning changes that would affect the approved plan. She stated the Fire Department had noted a comment regarding hydrants which they are working with the applicant on.

2. **CHS South Baldwin Ambulatory Surgery Center – Site Plan**

The City of Foley Planning Commission has received a request for site plan approval of CHS South Baldwin Ambulatory Surgery Center. Property is located at 1605 N. Alston St. Applicant is Gresham Smith.

Mrs. Boone explained the applicant has received approval for a variance from the Board of Adjustment and appeals. She stated the variance was requested in order to save live oak trees located on the property.

Commissioner Hellmich stated they had previously stated they would make every attempt to save the live oak trees on site.

Mrs. Boone stated there are two signs that will have to be approved by the Board of Adjustment and Appeals due to sign face square footage. She explained staff are recommending approval of the site plan.

Mr. Chad Christian stated they are requesting a storm water setback of 5' instead of the required 10'. He explained that it will be looked at with the Land Disturbance review.

3. **Hickory Street RV and Boat Storage – Site Plan**

The City of Foley Planning Commission has received a request for site plan approval of Hickory Street RV and Boat Storage. Property is located N. and E. of Fielding Park Dr. and W. of S. Hickory St. Applicant is Steve Rohal.

Mrs. Boone stated a revised more detailed plan has been provided to the Commissioners. She explained the 14 stalls along the East side of the driveway have not been approved by the

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Board of Adjustment and Appeals and will require approval. She stated the Commission can approve the larger part of the proposed development and the applicant can come back for approval of the 14 spaces after the Board of Adjustment and Appeals approval is granted. She explained the Commission also could approve the entire site plan with a caveat that the approval is pending the Board of Adjustment and Appeals approval. She stated staff is recommending approval.

Commissioner Hellmich stated it looks like the applicant has acquired more property since the original Board of Adjustment and Appeals approval.

4. Riviera and Minto Subdivision - Minor

The City of Foley Planning Commission has received a request for approval of the Riviera and Minto Subdivision, a minor subdivision which consists of 2.24 +/- acres and 2 lots. Property is located at 198 County Rd. 20. Applicant is Sawgrass Consulting, LLC.

Mrs. Boone stated the lots are zoned B-1A and staff is recommending approval.

5. Resubdivision of Lot 1B of Old Time Pottery Foley Subdivision - Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1B of Old Time Pottery Foley Subdivision, a minor subdivision which consists of 1.55 +/- acres and 2 lots. Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is the Engineering Design Group.

Mrs. Boone stated staff is recommending approval.

6. Hidden Meadows - Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Lieb Engineering Company.

Mrs. Boone stated the request is to rezone the property from R-4 to R-2. She explained the requested zoning will be in line with the rest of the development. She stated staff is recommending approval.

7. Hidden Meadows – Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Hidden Meadows Subdivision which consists of 30 +/- acres and 58 lots. Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Divergent Engineering, LLC.

Mrs. Boone stated staff is recommending approval. She explained the applicant has worked with staff in regards to the roads. She stated this will be a duplex development and it is meeting the zoning regulations.

Commissioner Hellmich asked about the current land use for the property.

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Mrs. Boone stated the area is a mixed use. She stated the current R-4 zone allows duplexes. She explained the R-2 zone is a better fit for the area and does not allow manufactured homes.

8. **Zoning Ordinance Amendments**

Mr. Wayne Dyess presented the proposed Zoning ordinance amendments.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:02 p.m.

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(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on March 20, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Vera Quaites, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Absent members were: Larry Engel and Bill Swanson. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Wayne Dyess, Director of Infrastructure and Development; Angie Eckman, Environmental Manager; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Wes Abrams called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the February 14, 2024 and February 21, 2024 meeting minutes.

Commissioner Hare made a motion to approve the February 14, 2024 and February 21, 2024 meeting minutes. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the February 14, 2024 and February 21, 2024 meeting minutes passes.

AGENDA ITEMS:

1. Goodwill Gulf Coast – Site Plan Extension 6 months

The City of Foley Planning Commission has received a 6 month site plan extension request for Goodwill Gulf Coast. Property is located at 200 E. Azalea Ave. Applicant is Piedmont Companies.

Mrs. Miriam Boone stated there have been no changes in the regulations that would affect the site plan. She explained the Fire Department is working with the applicant in regards to hydrants. She stated staff is recommending approval of the extension.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the requested 6 month site plan extension. Commissioner Gebhart seconded the motion.

Motion to approve the requested 6 month site plan extension passes.

2. CHS South Baldwin Ambulatory Surgery Center – Site Plan

The City of Foley Planning Commission has received a request for site plan approval of CHS South Baldwin Ambulatory Surgery Center. Property is located at 1605 N. Alston St. Applicant is Gresham Smith.

Mrs. Boone explained the Fire Department noted on the staff report fire hydrants locations will need to be shown on the plans. She explained signs #1 and #4 will require a variance approval from the Board of Adjustment and Appeals for the sign face square footage. She stated staff is recommending approval of the requested site plan.

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Planning Commission Action:

Commissioner Hare made a motion to approve the requested site plan. Commissioner Quaites seconded the motion.

Mrs. Boone explained they have received a variance for the parking space sizes, buffer width and number of parking spaces. She stated the variances were requested in order to save live oak trees.

Commissioner Hellmich stated he appreciated the applicants working with staff to save the trees.

Mrs. Boone stated as discussed at work session the applicant has noted on the plan they would like to request a 5' stormwater setback instead of the required 10'.

Mr. Chad Christian stated he feels the applicant will be able to meet the required 10' and shrink the area set aside for stormwater.

Mr. Wayne Dyess stated situations like this are when shared parking agreements between uses should be encouraged to reduce the number of parking spaces.

Commissioner Hellmich stated there will be more parking added at the hospital. He explained the city has discussed working with them on adding cross walks.

All Commissioners voted aye.

Motion to approve the requested site plan passes.**3. Hickory Street RV and Boat Storage – Site Plan**

The City of Foley Planning Commission has received a request for site plan approval of Hickory Street RV and Boat Storage. Property is located N. and E. of Fielding Park Dr. and W. of S. Hickory St. Applicant is Steve Rohal.

Mrs. Boone explained the applicant has been working with his Engineer on an amended plan. She stated the plan was amended due to a change in the location of the retention area and acquiring more property. She explained the 14 parking stalls to the East will require approval from the Board of Adjustment and Appeals. She stated the applicant will be on the April Board of Adjustment and Appeals agenda for the 14 additional stalls. She explained the revised plan is showing a reduction in spaces from the previous plan and staff is recommending approval.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the revised site plan with the condition that the additional 14 stalls are approved by the Board of Adjustment and Appeals. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the revised site plan with the condition that the additional 14 stalls are approved by the Board of Adjustment and Appeals passes.

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4. Riviera and Minto Subdivision - Minor

The City of Foley Planning Commission has received a request for approval of the Riviera and Minto Subdivision, a minor subdivision which consists of 2.24 +/- acres and 2 lots. Property is located at 198 County Rd. 20. Applicant is Sawgrass Consulting, LLC.

Mrs. Boone stated staff is recommending approval of the minor subdivision.

Planning Commission Action:

Commissioner Hare made a motion to approve the requested minor subdivision. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

5. Resubdivision of Lot 1B of Old Time Pottery Foley Subdivision - Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1B of Old Time Pottery Foley Subdivision, a minor subdivision which consists of 1.55 +/- acres and 2 lots. Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is the Engineering Design Group.

Public Hearing:

Chairman Abrams asked if there were any members to speak on the item. There were none.

Mrs. Boone stated staff is recommending approval of the minor subdivision.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the requested minor subdivision. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

6. Hidden Meadows - Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Lieb Engineering Company.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item.

Mr. Mark Pumphrey resident of 9700 James Rd. asked about the difference between the current zone and proposed zone.

Mrs. Boone explained this area ties into the next agenda item which is zoned R-2. She stated the R-4 and R-2 zones both allow duplexes but the R-2 does not allow manufactured homes.

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Mrs. Rebecca Manning asked if the property touches Kennedy Park Subdivision.

Mrs. Boone stated the parcel does not touch Kennedy Park Subdivision.

Commissioner Hellmich stated the requested zone is better and will make the development consistent and all the same zone.

Planning Commission Action:

Commissioner made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner seconded the motion. All Commissioners voted aye.

Motion to recommend the requested rezoning to the Mayor and Council passes.

7. Hidden Meadows – Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Hidden Meadows Subdivision which consists of 30 +/- acres and 58 lots. Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Divergent Engineering, LLC.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item.

Mr. Palmer Manning resident of 1101 Sloane Cove asked if there would be a connection between the proposed development and Kennedy Park Subdivision. He stated they do not want the traffic pouring through Kennedy Park Subdivision. He asked if the previous agenda item would be a part of this subdivision.

Mrs. Boone explained agenda item #6 will be a phase of the subdivision. She explained after the rezoning is complete the applicant will come back for a preliminary approval.

Mr. Pumphrey stated his family owns the 50 acres to the north of the property. He asked if there would be a common area left between the development and his property.

Mr. Baker Davis stated there will be a 15' drainage area between the two properties. He explained there will be swales within the 15' that will drain into a retention pond.

Mr. Pumphrey asked who would be responsible for the upkeep of the drainage areas.

Mrs. Angie Eckman stated the developer will have to place funds into an account which will help the Home Owners Association with the future maintenance.

Commissioner Hellmich stated typically once the subdivision has reached 75% completion a Home Owners Association will be formed. He explained the maintenance of the drainage areas is the Home Owners Associations responsibility.

Mr. Pumphrey asked if the north side of the development will be fenced.

Note: *Denotes property located in the Planning Jurisdiction

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Mr. Rob Pingrey stated they have not planned on it but are not opposed to adding fencing.

Mr. Pumphrey asked what type of street lighting will be used.

Commissioner Hellmich stated the area is serviced by Baldwin EMC. He explained they will work with Baldwin EMC on the style of lighting. He stated once completed the city will take over the roads and street lights.

Mr. Pumphrey asked if the City had adopted a lighting plan. He explained the lights at the mini golf are invasive and light up south Baldwin County.

Commissioner Hellmich stated the city has talked about adopting a lighting policy but one currently is not in place.

Mr. Pumphrey explained with this development, the RV park and apartments the already congested road is going to get worse. He asked if any road improvements would be required.

Commissioner Hellmich stated he did not think improvements were required for this development. He explained the city has an outstanding request in Washington to make improvements to County Rd. 20.

Mr. Pumphrey asked about the location of the utilities.

Mr. Davis explained the utilities are located on the west side of James Road.

Mr. Manning asked if the ditch on the east side will be used for drainage. He stated he is afraid the ditch will not be able to handle additional water.

Mr. Davis explained the area will have 1' swales.

Commissioner Hellmich stated the drainage will be routed to the retention pond. He explained they are required to release at or below what is currently coming off the property.

Mrs. Eckman stated phase 1 is meeting the open space requirements. She explained phase 2 will have to make some changes in order to meet the requirements.

Mrs. Boone stated she wanted to clarify the development will be a duplex subdivision.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the requested preliminary based on staff's recommendation. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the requested preliminary passes.

8. Zoning Ordinance Amendments

Public Hearing:

Note: *Denotes property located in the Planning Jurisdiction

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Chairman Abrams asked if there were any members of the public to speak on the item. There were none.

Planning Commission Action:

Mr. Dyess went over the proposed amendments with the Commissioners.

Commissioner Hellmich made a motion to approve the Zoning Ordinance amendments regarding recreational vehicles and amendments 1, 2 and 3. Commissioner Quaites seconded the motion. All Commissioners voted aye.

Motion to approve the Zoning Ordinance amendments regarding recreational vehicles and amendments 1, 2 and 3 passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:35 p.m.

Motion to adjourn the meeting at 6:35 p.m. passes.



PLANNING COMMISSION JOINT STAFF REPORT: April 2024

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STAFF RECOMMENDATION: Approve
PROJECT NAME: Common Lot Line Shift for Block B Eliza Carson Subdivision
REQUEST: Subdivision
SUB TYPE: Minor

OWNER / APPLICANT: Smith Clark & Associates, LLC. - Nicky Palmer

ACREAGE: 1.17
NUMBER OF LOTS: 4

PIN#(s): 69639

LOCATION: S. of Sunflower Ave. & W. of S. McKenzie St.

PROJECT DESCRIPTION: Common Lot Line Shift for Block B Eliza Carson Subdivision

CURRENT ZONING: B-1A

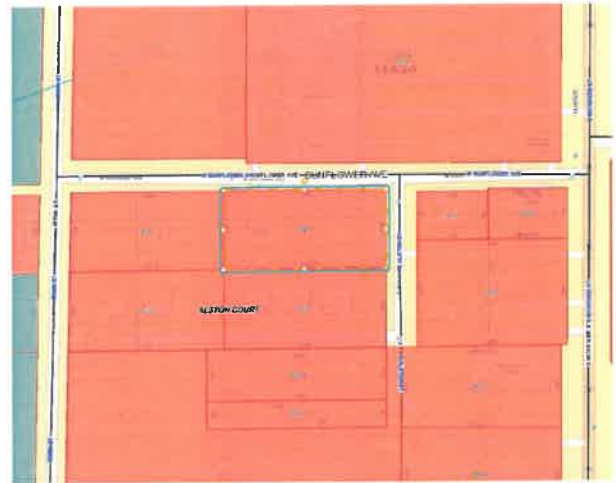
OVERLAY DISTRICT: N/A

REQUESTED ZONING: N/A

ADJACENT ZONING: B-1A

FUTURE LAND USE: RCC
 (Residential/Commercial Concentration)

EXISTING LAND USE: Vacant



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UTILITY LETTERS RECEIVED: Yes
DEED RECEIVED: Yes
AGENT AUTHORIZATION: Yes

Reviewer: Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department
Review Status: Approved

1. There is no minimum lot size in B1A. These lots range from .5 to .207 acres.

Reviewer: Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering
Review Status: Approved

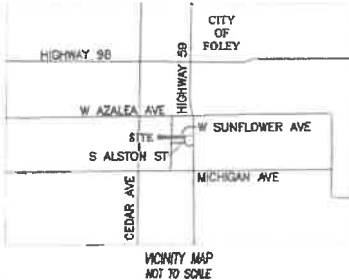
1. Engineering recommends the resubdivision. Each lot has frontage.

Reviewer: Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental
Review Status: Approved

1. Environmental has no concerns with the proposed lot line shift.

Reviewer: Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department
Review Status: Approved

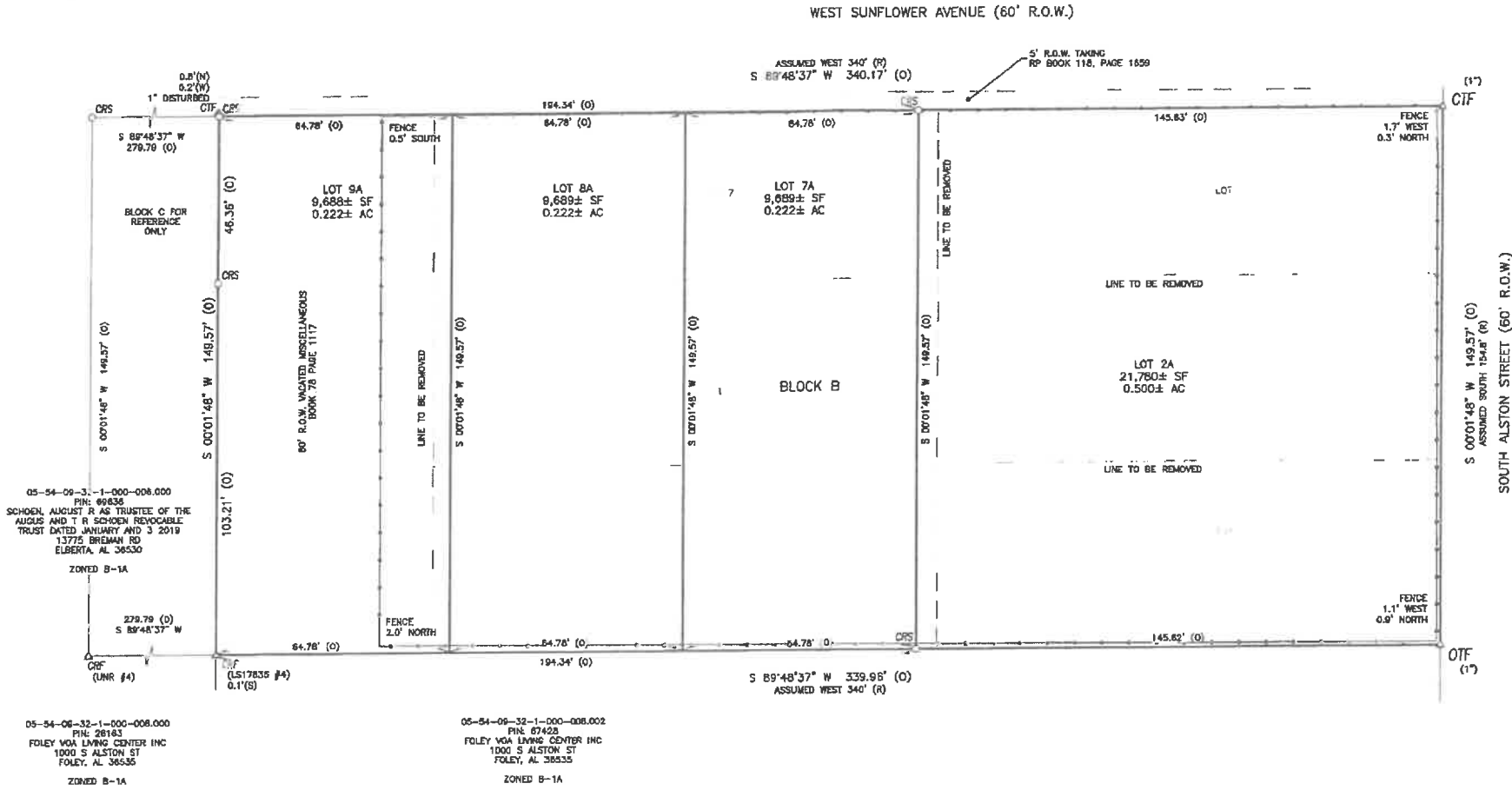
1. Neither Building Safety nor Floodplain Management are opposed to this subdivision



- BOUNDARY LEGEND**
- △ CIP CHIPPED IRON NAIL FOUND
 - △ CIP CHIPPED TOP PIPE FOUND
 - △ CIP CONCRETE REMAINENT FOUND
 - △ CIP OPEN TOP IRON PIPE FOUND
 - △ RBF IRON ROD FOUND
 - △ RFF IRON PIN FOUND
 - CRS CHIPPED IRON ROD SET
 - (P) RECORD
 - (R) OBSERVED
 - ███ R.O.W. RIGHT OF WAY
 - P.C. POINT OF COMMENCEMENT
 - P.A.S. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - X- WIRE FENCE
 - /- WOOD FENCE

A Resubdivision of Lots 1, 2, 3, 7, 8, & 9

Eliza E. Carson Subdivision



SITE DATA

PARCEL NUMBER: 05-54-09-32-1-000-006.001
 PINE 68639
 OWNER: SCHOEN, AUGUST R AS TRUSTEE OF THE AUGUST R SCHOEN REVOCABLE TRUST DATED JANUARY AND 3 2019
 3775 BREMAN RD
 ELBERTA, AL 36530

TOTAL AREA: 1.167 ACRES
 NUMBER OF LOTS: 4
 SMALLEST LOT: LOT 7 9,689± SF 0.222± AC

CITY OF FOLEY ZONING: B-1A
 REQUIRED MINIMUM BUILDING SETBACKS
 FRONT - 30'
 REAR - 20'
 SIDE ABUTTING A STREET - 30'

UTILITY PROVIDERS

POWER, GAS, WATER, SEWER - RIVERA UTILITIES
 COMMUNICATIONS - BRIGHTSPEED

REQUIRED UTILITY EASEMENTS

FRONT AND REAR - 15'
 SIDES - 10'

BLUDDIN COUNTY ALABAMA

LOTS 1, 2, 3, 7, 8 & 9, BLOCK B ELIZA E. CARSON SUBDIVISION AS RECORDED IN MAP BOOK 1, PAGE 52, ALSO THE PORTION OF RIGHT OF WAY INDICATED IN MISCELLANEOUS BOOK 20, PAGE 1117, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BLUDDIN COUNTY, ALABAMA.

LESS AND EXCEPTIONS, THAT PORTION OF RIGHT OF WAY SHOWN ON DEED BOOK 118, PAGE 1659 AND DEED BOOK 180, PAGE 1866, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BLUDDIN COUNTY, ALABAMA.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

CERTIFICATE OF OWNERSHIP AND DEDICATION:
 THIS IS TO CERTIFY THAT I (WE), THE UNDERSIGNED, AM (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT AND THAT I (WE) HAVE CAUSED THE SAME TO BE SURVEYED SEVERAL, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADMIT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED AND GRANT ALL EASEMENTS AND DEEDS ALL STREETS, ALLEYS, DRIVES, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED TOGETHER WITH SUCH RESTRICTIONS AND CONDITIONS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS ___ DAY OF _____ 20__

ACKNOWLEDGMENT OF INDIVIDUAL:
 STATE OF ALABAMA)
 COUNTY OF BALDWIN)

I, _____, INDIVIDUALLY PUBLIC AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (SHE)Y KNOWS, BELIEVES AND BELIEVES BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (SHE)Y SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (HER) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

OVER UNDER MY HAND AND SEAL THIS ___ DAY OF _____ 20__

FLOOD HAZARD STATEMENT:
 THE BUILDABLE AREA OF THIS PROPERTY SHOWN HEREIN IS IN ZONE "X", AN AREA DETERMINED TO BE OPEN TO THE OCEAN, CHANGE FLOOD HAZARD AS SCALED FROM THE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL EMERGENCY MANAGEMENT AGENCY, NUMBER G150030026M, CITY OF FOLEY PURSUANT TO MAP DATED APRIL 12, 2016.

CERTIFICATE OF APPROVAL BY CIVIL ENGINEER: ELECTRIC
 THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ___ OF _____ 20__

AUTHORIZED REPRESENTATIVE:
CERTIFICATE OF APPROVAL BY CIVIL ENGINEER: GAS
 THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ___ OF _____ 20__

AUTHORIZED REPRESENTATIVE:
CERTIFICATE OF APPROVAL BY CIVIL ENGINEER: SEWER
 THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ___ OF _____ 20__

AUTHORIZED REPRESENTATIVE:
CERTIFICATE OF APPROVAL BY CIVIL ENGINEER: WATER
 THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ___ OF _____ 20__

AUTHORIZED REPRESENTATIVE:
CERTIFICATE OF APPROVAL BY ARCHITECT: COMMUNICATIONS
 THE UNDERSIGNED, AS AUTHORIZED BY BRIGHTSPEED HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ___ OF _____ 20__

AUTHORIZED REPRESENTATIVE:
CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION:
 THE WITHIN SUBDIVISION OF LOTS 1, 2, 3, 7, 8, & 9, BLOCK B ELIZA E. CARSON SUBDIVISION IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING COMMISSION, THIS THE ___ OF _____ 20__

Physical Address:
 11117 U.S. Hwy 31 Ste A
 Spanish Fort, AL 36527
 (251) 626-0404

Smith Clark & Associates
land surveyors

Mailing Address:
 30941 Mill Lane
 Suite G, Box 25B
 Spanish Fort, AL 36527



- NOTES:**
- TYPE OF SURVEY SUBDIVISION
 - BOUNDARY DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MAP BOOK 1, PAGE 52 AND ALSO DEED BOOK 180, PAGE 1866, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
 - THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN THAT AS NOTED OR PROVIDED BY THE CLIENT'S COVENANTS, SETBACK LINES ESTABLISHED BY SPANISH COMMUNITY OF RESIDENCE COVENANTS ARE NOT SHOWN.
 - THIS DRAWING IS THE PROPERTY OF SMITH CLARK & ASSOCIATES, IF IS SOLELY FOR THE USE OF THE CLIENT AND NOT BE LOANED, REPRODUCED, COPIED, OR OTHERWISE USED BY ANY OTHER PARTY, IT MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM SMITH CLARK & ASSOCIATES.
 - THIS DRAWING IS TO SCALE WHEN PRINTED ON 11x17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.
 - BOUNDARY BEARS ESTABLISHED HEREIN ARE REFERENCED TO THE ALABAMA WEST STATE PLANE COORDINATE SYSTEM AND ESTABLISHED BY BAK THE INSURANCE COY COORDINATES WARE 1594; THE ALUTZ COY NETWORK.

DRAWN	CHECKED	APPROVED
TS	HW	DC
DATE: 10/09/23		SCALE: 1"=20'
SHEET NUMBER: 23-450		TOTAL: 191/65

LOTS 2A, 7A, 8A, 9A
 A RESUBDIVISION OF LOTS 1, 2, 3, 7, 8, & 9
 BLOCK B, ELIZA E. CARSON SUBDIVISION
 FOLEY, ALABAMA

15



PLANNING COMMISSION JOINT STAFF REPORT: April 2024

STAFF RECOMMENDATION: Approve
PROJECT NAME: Sable Subdivision
REQUEST: Subdivision
SUB TYPE: Minor

OWNER / APPLICANT: Beyond Measure Surveying, LLC - JAMES HARPEL

ACREAGE: 3.94
NUMBER OF LOTS: 2

PIN#(s): 89509

LOCATION: E OF Co Rd 65, N of Co Rd 12 S

PROJECT DESCRIPTION: Sable Subdivision-Minor

CURRENT ZONING: Unzoned BC Dist 34

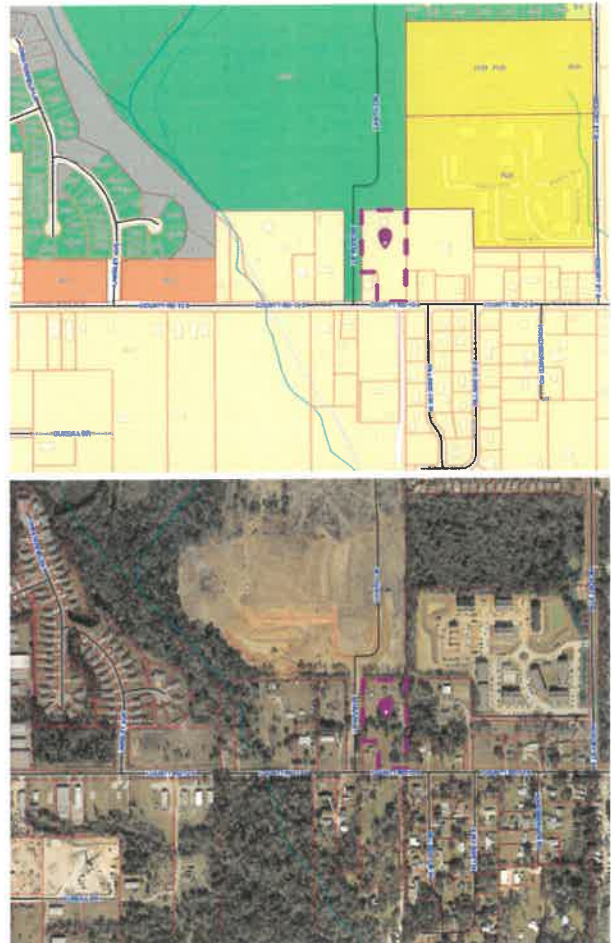
OVERLAY DISTRICT: N/A

REQUESTED ZONING: N/A

ADJACENT ZONING: N&W: R-1D; E&S: Unzoned BC

FUTURE LAND USE: RM, Residential Med. Density (4-7)

EXISTING LAND USE: Residential



16

UTILITY LETTERS RECEIVED: Yes
DEED RECEIVED: Yes
AGENT AUTHORIZATION: Yes

Reviewer: Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department
Review Status: Approved

1. This property appears to be in Unzoned BC District 34. The smallest lot is 1.497 acres, the larger lot is 2.447 acres.

Reviewer: Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering
Review Status: Approved

1. Engineering recommends the two lot subdivision. The 30' width flag for Lot 2 is required for frontage.

Reviewer: Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental
Review Status: Approved

1. Environmental has no issue with subdivision; lots appear to have sufficient uplands.

Reviewer: Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department
Review Status: Approved

1. Please note that there are potential wetlands in the S/E of section the property. Other than that, Building Safety and Floodplain Management are OK with the plan.

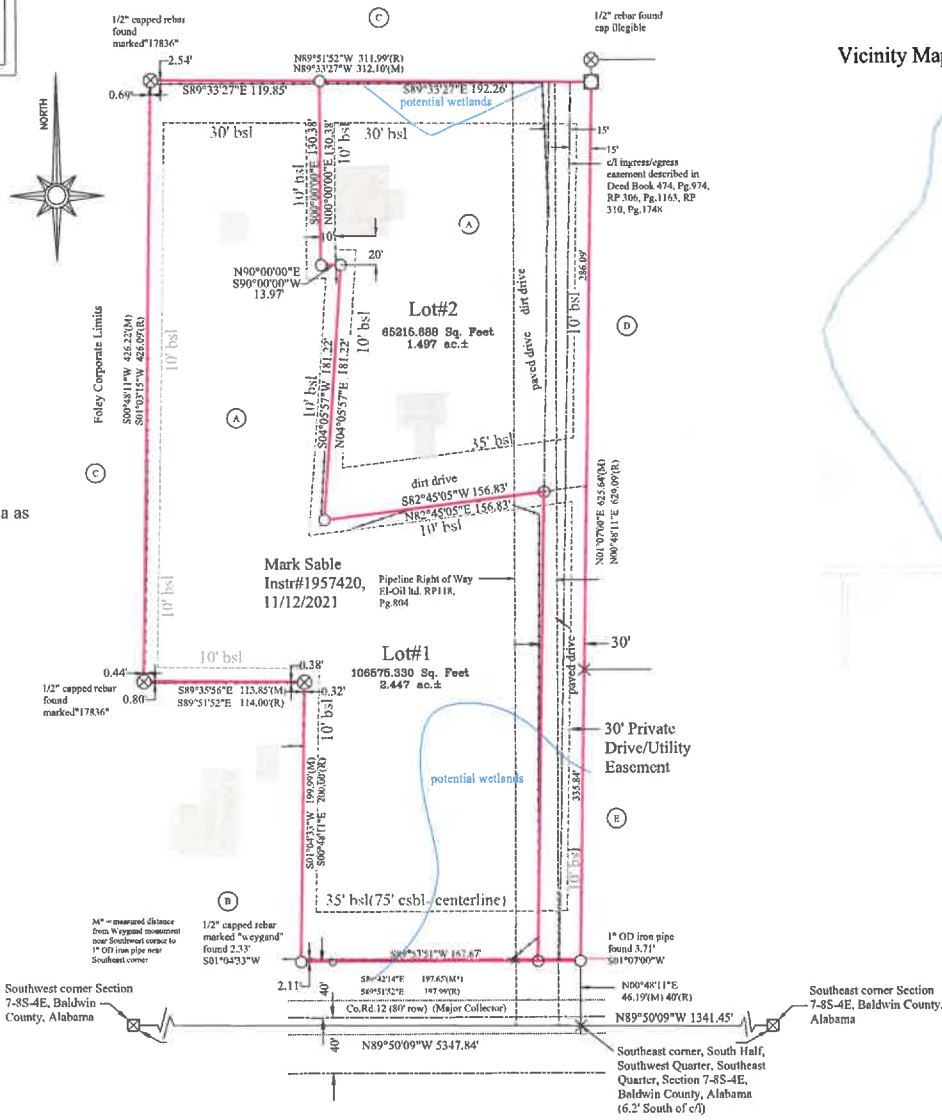
Preliminary/Final Plat FOR: Sable Subdivision

18657 Co.Rd. 12, Foley AL, 36535 Parcel#05-61-03-07-0-000-007.003 PIN 89509 Current Title Holder - Mark Sable 9520 Bushey Rd. Alphaena, MI, 49707

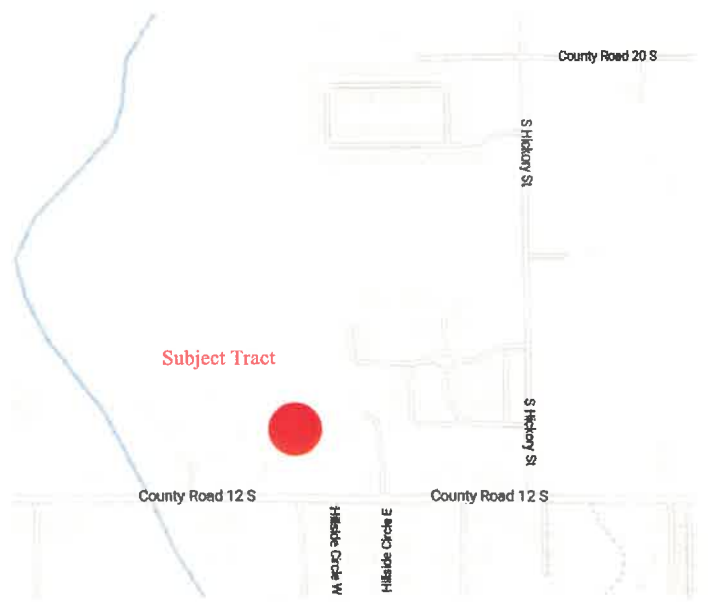
Site Data: Zoning - City of Foley(extra territorial jurisdiction) Planning District 34 Number of lots - 2 Site Area - 3.944 ac.± Minimum Lot Area (required) - 30,000 sq.ft. Minimum Lot Area (measured) - 65215.688 sq.ft. Minimum Lot Width @ front bsl - 100' Maximum Bldg coverage - 25% Building Setbacks Front - 35' Rear - 30' Side -10'

Property is NOT located within a Special Flood Hazard Area as shown on FEMA maps for the City of Foley, AL Community#01007, Map#01003CO927M, effective date 4/19/2019

- A Mark Sable Parcel#05-61-03-07-0-000-007.003 Instr#1957420, 11/12/2021 B Lidia Gerdes Parcel#05-61-03-07-0-000-007.008 Instr#1974924, 1/31/2022 C Arbor Walk Subdivision Lot#3 Parcel#05-61-03-07-0-000-007.000 Slide 2681 E, 5/24/2019 D John K. Kovalchick Parcel#05-61-03-07-0-000-008.009 Instr#858558, 12/16/2004 E Habitat for Humanity of Baldwin County, Inc. Parcel#05-61-03-07-0-000-009.000 Instr#795147, 3/11/2004



Vicinity Map



LEGEND: Symbols for REBAR SET, REBAR FOUND, Baldwin Co. Highway Dept. monument, SURVEY POINT, MEASURED DIMENSION, RECORD DIMENSION, WATER METER, UTILITY POLE, FENCE LINE FOUND, APPROXIMATE CENTERLINE, APPARENT RIGHT-OF-WAY, BUILDING SETBACK LINE, BOUNDARY LINE, AERIAL ELECTRIC LINE.

Surveyor's Notes: - A Limited Title Opinion Report was provided by client as performed by Paula D. Kennon of Law and Land Title, LLC, Orange Beach, AL, agent's file#21-0178, 12/14/2023. No other Title Commitment, Title Search or any other documentation has been provided by others. There may be recorded or unrecorded documents which may have a direct affect upon the findings of this survey. EXCEPTIONS shown by report: 1. Reservation of easement for purposes of ingress and egress to property located to the North as set forth in Deed Book 474, page 974, Real Property Book 306, page 1163, and Real Property Book 310, page 1748. 2. Right-of-Way Agreement for pipeline granted to EL-Oil, Ltd. dated August 3, 1982 and recorded in Real Property Book 118, page 804. 3. Oil, gas and mineral lease and all rights in connection therewith, as set forth in Deed Book 438, page 740. 4. Amended Decree regarding septic tank permits and discharge levels as set forth in instrument recorded December 28, 1978 in Real Property Book 42, page 73. 5. Reservation with reference to all oil, gas and other minerals, and all rights in connection therewith, as contained in Deed Book 87, page 401, Deed Book 105, page 461, Deed Book 474, page 974 and Real Property Book 306, page 1163. 6. Right-of-Way granted to Baldwin County Electric Membership Corporation recorded in Deed Book 278, page 525. 7. Subject to any portion of subject property lying within road rights-of-way. 8. Deed from Michael R. Harris and Theresa A. Harris to Gilmore L. Edson and Sandra L. Edson, with right of survivorship, dated October 15, 2003, and recorded October 17, 2003 as Instrument Number 766205 may contain a difference in recorded and the actual distances. (Instrument Number 766205 was re-recorded as Instrument Number 772046 to correct grantee address.) - No attempt was made to discover underground utilities. All utilities shown are based upon visible evidence and do not purport to represent a comprehensive mapping. - No evidence of cemeteries or burial sites were observed. - "Potential Wetlands" have been shown to exist on site based upon Baldwin Co. Parcel Viewer mapping and National Wetlands Inventory surface water and wetlands mapper. No wetlands determination has been performed or provided at the time of performance. There may be areas determined to contain wetlands should a determination be performed that may have a direct affect upon the future usage of this site. - Road designations determined from ALDOT Highway Functional Classification mapping. - The City of Foley & Baldwin County shall not be responsible for maintenance of common areas or drainage easements - All survey work completed on 12/15/2023

CERTIFICATION OF APPROVAL BY BALDWIN COUNTY HEALTH DEPT. The lot(s) on this plat are subject to approval or deletion by the Baldwin County Health Department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and reporting requirements. These conditions are on file with the said health department and are made part of this plat as if set out hereon. Signed this the _____ day of _____, 2024, the signature affixed hereon does not imply an approval for any existing or future onsite sewage treatment system. Authorized Signature _____

WETLAND NOTICE By approval of this plat, the Planning Commission of the City of Foley, the Developer, the Engineer, and the Surveyor makes no representation or warranty, either expressed or implied, that any lot delineated on this plat which may be encumbered by any wetlands is or will be suitable for improvement or other development. Purchasers are on notice that improvement of property encumbered by wetlands will require separate permitting by Federal and/or State authorities under such law and regulations governing wetlands as may be in effect from time to time.

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (ELECTRIC) THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE ELECTRIC SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA THIS _____ DAY OF _____, 2024 AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (WATER) THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WATER SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA THIS _____ DAY OF _____, 2024 AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (GAS) THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE GAS SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA THIS _____ DAY OF _____, 2024 AUTHORIZED SIGNATURE _____

DRAINAGE/UTILITY EASEMENTS External Rear and Side Boundary Lot Lines: 15 feet Interior Rear and Side Lot Lines: 7.5 feet

SURVEYOR'S CERTIFICATE: I, Reese Harpel, a licensed surveyor of Baldwin County, Alabama, hereby certify that I have surveyed the property of Mark Sable, situated in Baldwin County, Alabama and described as follows:

Commencing at the Southeast corner of the South 1/2 of the Southwest Quarter of the Southeast Quarter, Section 7, Township 8 South, Range 4 East; run thence North 00°48'11" East 40 feet to the Point on the North right of way line of Baldwin County Road No. 12 for the Point and Place of Beginning; thence continue North 00°48'11" East 629.09 feet to a point; thence North 89°51'52" West 311.99 feet to a point; thence South 00°48'11" West 426.09 feet to a point; thence South 89°51'52" East 114.00 feet to a point; thence South 00°48'11" East 200.00 feet to a point on the North right of way line of Baldwin County Highway No. 12; thence South 89°51'52" East 197.99 feet to the Point and Place of Beginning.

and that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easement and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and names of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (o) as herein shown. I further certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.

Witness my hand this the 4th day of March, 2024.

Reese Harpel AL PLS#40196-S



OWNER'S CERTIFICATE OF ACCEPTANCE State of Alabama County of Baldwin THIS IS TO CERTIFY THAT I, Mark Sable, THE UNDERSIGNED, AND WITH FULL AUTHORITY, HEREBY CERTIFY THAT I AM THE OWNER OF THE WITHIN PLATTED AND DESCRIBED LANDS AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED BY: _____ DATE: _____

NOTARY PUBLIC I, _____, Notary Public in and for said County, in said State, hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day in person and acknowledged that he signed, sealed and delivered said instrument at this free and voluntary act for uses and purpose herein set forth Given under my hand and official seal this _____ day of _____ Notary Public _____

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION CHAIRMAN The within plat of Sable Subdivision, Foley, Alabama, is hereby approved by the City of Foley Planning Commission, this the _____ day of _____, 2024. City Planning Commission Chairman _____

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING SYSTEM: THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____, 2024 AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER THE UNDERSIGNED, AS ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____, 2024 CITY ENGINEER _____

Relative Error of Closure Suburban 1/7,500' & 20" X sq.root of # of angles The Basis of Bearings for this survey is Alabama State Plane Grid (West Zone) as determined by GPS network solutions. The centerlines and fence lines as depicted on this plat are shown graphically as straight lines. These lines may actually meander between these end point. Additions or deletions to survey drawings by any other person(s) than the signing party or parties is prohibited without written consent of the signing party or parties.

Table with columns: REVISION, DATE, PROJECT NO.: 7845AB, Mark Sable Sable Subdivision, BEYOND MEASURE SURVEYING, 1608 Burlwood Dr. FOLEY, AL., 36535 (251)-782-7017 www.beyondmeasuresurveying.com



PLANNING COMMISSION JOINT STAFF REPORT: April 2024

STAFF RECOMMENDATION: Approve
PROJECT NAME: Aster Brook Subdivision
REQUEST: Subdivision
SUB TYPE: Preliminary

OWNER / APPLICANT: Goodwyn Mills Cawood, LLC.

ACREAGE: 28.59
NUMBER OF LOTS: 39

PIN#(s): 69401

LOCATION: N of Cater Lee Way, W of Dale Ln

PROJECT DESCRIPTION: Aster Brook Subdivision- 39 lot residential subdivision

CURRENT ZONING: Unzoned BC Dist 18

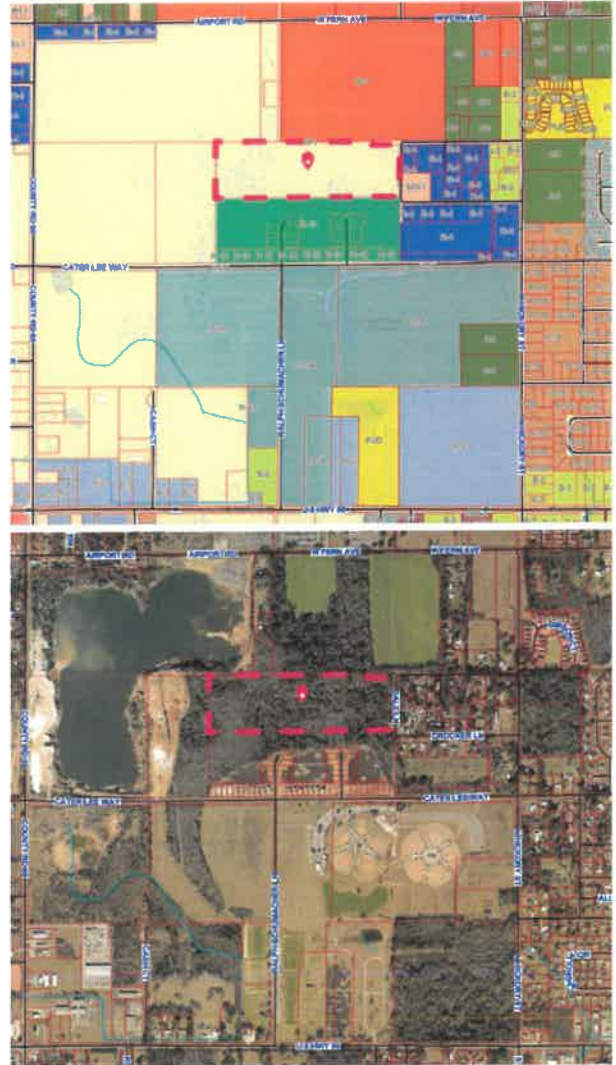
OVERLAY DISTRICT: N/A

REQUESTED ZONING: N/A

ADJACENT ZONING: NORTH: M-1 & Unzoned BC; EAST: R-4 & MH-1; SOUTH: R-1D; WEST: Unzoned

FUTURE LAND USE: IN - Industrial

EXISTING LAND USE: Vacant/Wooded



19

UTILITY LETTERS RECEIVED: Yes
DEED RECEIVED: Yes
AGENT AUTHORIZATION: Yes

Reviewer: Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department
Review Status: Approved

1. This property is in unzoned BC District 18.

Reviewer: Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering
Review Status: Under Review

1. Construction plan comments have been addressed by GMC. The Land Development Permit may be issued once approvals are received from CDD, Fire, Environmental, and Riviera Utilities. A preconstruction meeting is required prior to issuing the Land Development Permit.

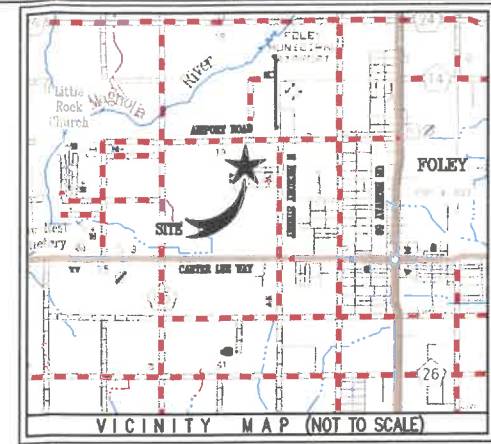
Reviewer: Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental
Review Status: Approved

1. The site meets the environmental requirements of LDO.

Reviewer: Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department
Review Status: Approved

1. About half of the property appears to have potential wetlands that would need to be avoided or mitigated. No other comments from Building Safety or Floodplain Management

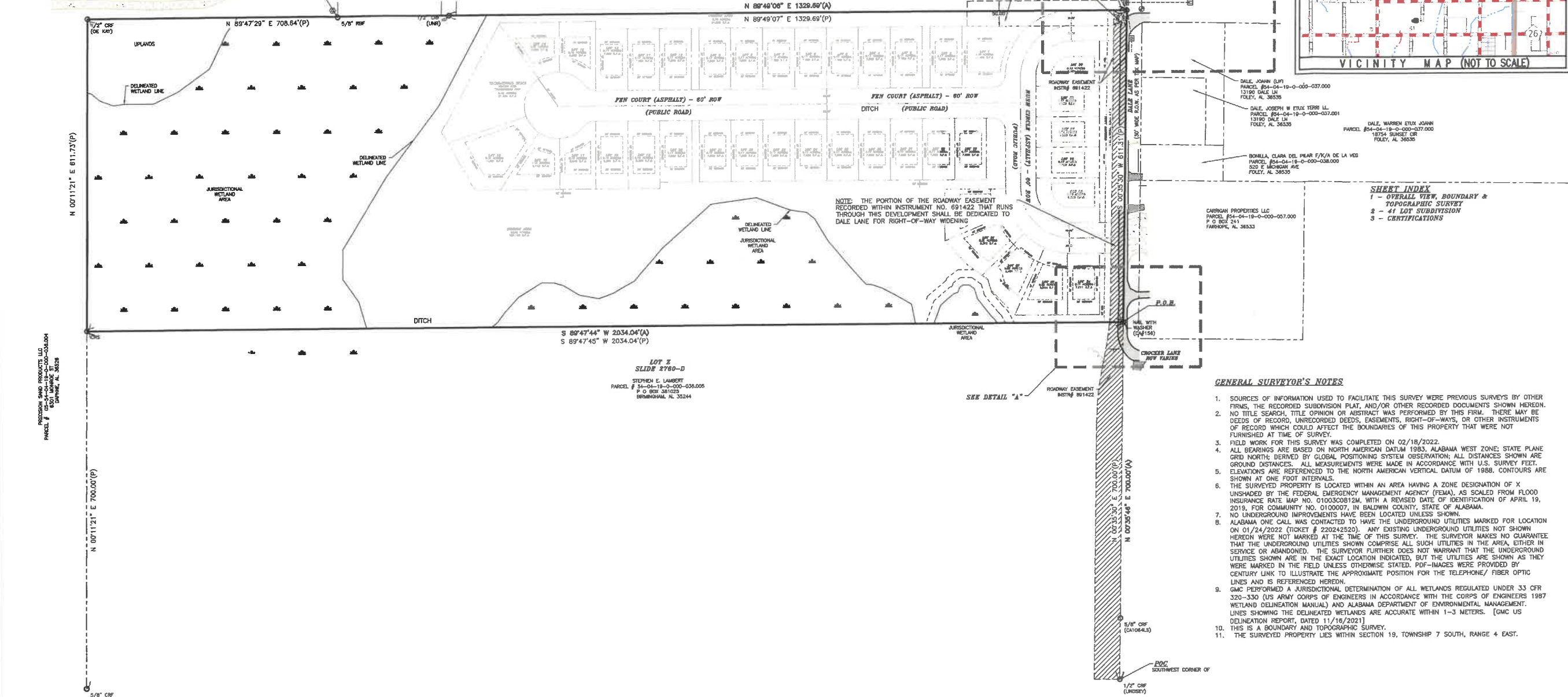
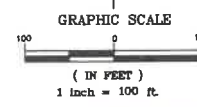
ASTER BROOK SUBDIVISION



GMC

GOODWYN MILLS CAWOOD, LLC

2039 Main Street
Daphne, AL 36626
T 251.626.2626
GMCNETWORK.COM



SHEET INDEX

- 1 - OVERALL VIEW, BOUNDARY & TOPOGRAPHIC SURVEY
- 2 - 41 LOT SUBDIVISION
- 3 - CERTIFICATIONS

GENERAL SURVEYOR'S NOTES

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY OTHER FIRMS, THE RECORDED SUBDIVISION PLAT, AND/OR OTHER RECORDED DOCUMENTS SHOWN HEREDIN.
- NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 02/18/2022.
- ALL BEARINGS ARE BASED ON NORTH AMERICAN DATUM 1983, ALABAMA WEST ZONE; STATE PLANE GRID NORTH; DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATION; ALL DISTANCES SHOWN ARE GROUND DISTANCES. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. SURVEY FEET. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. CONTOURS ARE SHOWN AT ONE FOOT INTERVALS.
- THE SURVEYED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF X UNSHADED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 010030812M, WITH A REVISED DATE OF IDENTIFICATION OF APRIL 19, 2019, FOR COMMUNITY NO. 0100007, IN BALDWIN COUNTY, STATE OF ALABAMA.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS SHOWN.
- ALABAMA ONE CALL WAS CONTACTED TO HAVE THE UNDERGROUND UTILITIES MARKED FOR LOCATION ON 01/24/2022 (TICKET # 220242520). ANY EXISTING UNDERGROUND UTILITIES NOT SHOWN HEREDIN WERE NOT MARKED AT THE TIME OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, BUT THE UTILITIES ARE SHOWN AS THEY WERE MARKED IN THE FIELD UNLESS OTHERWISE STATED. PDF-IMAGES WERE PROVIDED BY CENTURY LINK TO ILLUSTRATE THE APPROXIMATE POSITION FOR THE TELEPHONE/ FIBER OPTIC LINES AND IS REFERENCED HEREDIN.
- GMC PERFORMED A JURISDICTIONAL DETERMINATION OF ALL WETLANDS REGULATED UNDER 33 CFR 320-330 (US ARMY CORPS OF ENGINEERS IN ACCORDANCE WITH THE CORPS OF ENGINEERS 1987 WETLAND DELINEATION MANUAL) AND ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT. LINES SHOWING THE DELINEATED WETLANDS ARE ACCURATE WITHIN 1-3 METERS. [GMC USE DELINEATION REPORT, DATED 11/16/2021]
- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
- THE SURVEYED PROPERTY LIES WITHIN SECTION 19, TOWNSHIP 7 SOUTH, RANGE 4 EAST.

LEGAL DESCRIPTION

A PARCEL IDENTIFIED BY BALDWIN COUNTY REVENUE (ALABAMA) AS TAX PARCEL NUMBER 54-04-19-0-000-036.000, SAID TAX PARCEL IS SHOWN AS "NOT INCLUDED" AND LYING NORTH OF LOT 2, ON THE SUBDIVISION PLAT TITLED "RESUBDIVISION OF PARKSIDE SUBDIVISION" RECORDED ON SLIDE 2780-D IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

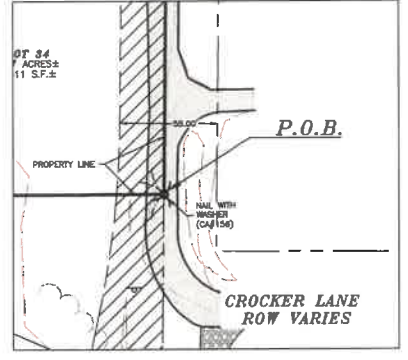
COMMENCING AT A 1/2" IRON REBAR WITH CAP (LINDSEY) AT THE SOUTHWEST CORNER OF THE RESUBDIVISION OF PARKSIDE SUBDIVISION AS SHOWN ON PLAT RECORDED ON SLIDE 2780-D IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00° 35' 46" WEST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 700.00 FEET TO A NAIL WITH WASHER (C4#156) FOR THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE RUN SOUTH 89° 47' 44" WEST A DISTANCE OF 2034.04 FEET TO A 5/8" IRON REBAR WITH CAP (C4#156); THENCE RUN NORTH 00° 11' 37" EAST A DISTANCE OF 811.88 FEET TO A 1/2" IRON REBAR WITH CAP (OE KAV); THENCE RUN NORTH 89° 47' 28" EAST A DISTANCE OF 708.84 FEET TO A 1/2" IRON REBAR WITH CAP (LLEIDLE); THENCE RUN NORTH 89° 49' 08" EAST A DISTANCE OF 1329.69 FEET TO A 5/8" IRON REBAR; THENCE RUN SOUTH 00° 35' 46" WEST A DISTANCE OF 811.28 TO THE POINT OF BEGINNING; SAID DESCRIBED PACEL CONTAINS 28.59 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION

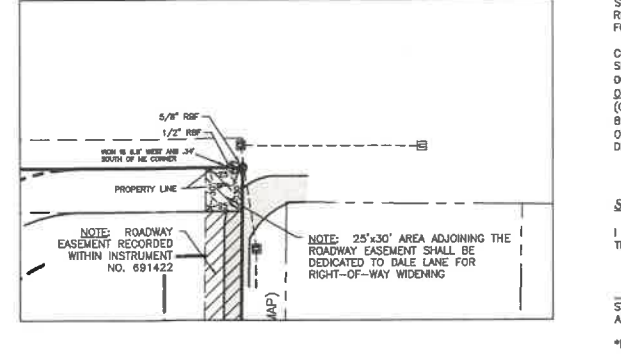
I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

STUART L. SMITH, PLS
ALABAMA LICENSE NUMBER 27403
DATE _____
*DRAWING IS INVALID WITHOUT THE SIGNATURE & SEAL OF A LICENSED LAND SURVEYOR

DETAIL "A" SCALE=1"=50'



DETAIL "B" SCALE=1"=60'



LEGEND

- | | |
|--|---------------------|
| P.O.C. POINT OF COMMENCEMENT | ☐ ASPHALT |
| P.O.B. POINT OF BEGINNING | ☐ CONCRETE |
| (A) ACTUAL | ☐ WETLANDS |
| (P) RECORD DEED | ☐ GRAVEL |
| (F) PLAT OF RECORD | ☐ DIRT |
| (C) COMPUTED | (#) NUMBER OF ITEMS |
| OTF OPEN TOP IRON PIPE FOUND | |
| IFP IRON PIN FOUND | |
| CTF CRIMP TOP IRON PIPE FOUND | |
| CSF CAPPED REBAR FOUND | |
| RSF REBAR FOUND | |
| CRS 5/8" CAPPED REBAR SET STAMPED C4#1196 | |
| CMF CONCRETE MONUMENT FOUND | |
| CMS CONCRETE MONUMENT SET | |
| LS# LICENSED PROFESSIONAL SURVEYOR'S NUMBER | |
| CA# CERTIFICATE OF AUTHORIZATION NUMBER | |
| (DST) DISTURBED | |
| (REF) REFERENCE CORNER SET ON LINE | |
| (UNR) UNREADABLE | |
| INST # INSTRUMENT NUMBER | |
| SECT. SECTION | |
| T- TOWNSHIP | |
| R- RANGE | |
| -P- POWER POLE | |
| -E- GUY WIRE | |
| R/W RIGHT-OF-WAY | |
| R.O.W. RIGHT-OF-WAY | |
| ○ FIRE HYDRANT | |
| ▲ SIGN | |
| ☐ TELEPHONE PEDESTAL | |
| ☐ ELECTRIC METER BOX | |
| ☐ AIR CONDITIONER | |
| ☐ JUNCTION BOX (VAULT) | |
| EL/ELEV ELEVATION | |
| INV INVERT | |
| *ALL LOT CORNERS ARE "CRS" UNLESS OTHERWISE STATED | |

SURVEYED: 02/18/2022
PRELIM ISSUED: 07/09/2024
DRAWN BY: SLS/JBB
CHECKED BY: JLS

ASTER BROOK SUBDIVISION
CUMMANS CONSTRUCTION
1325 DALE LANE FOLEY, ALABAMA

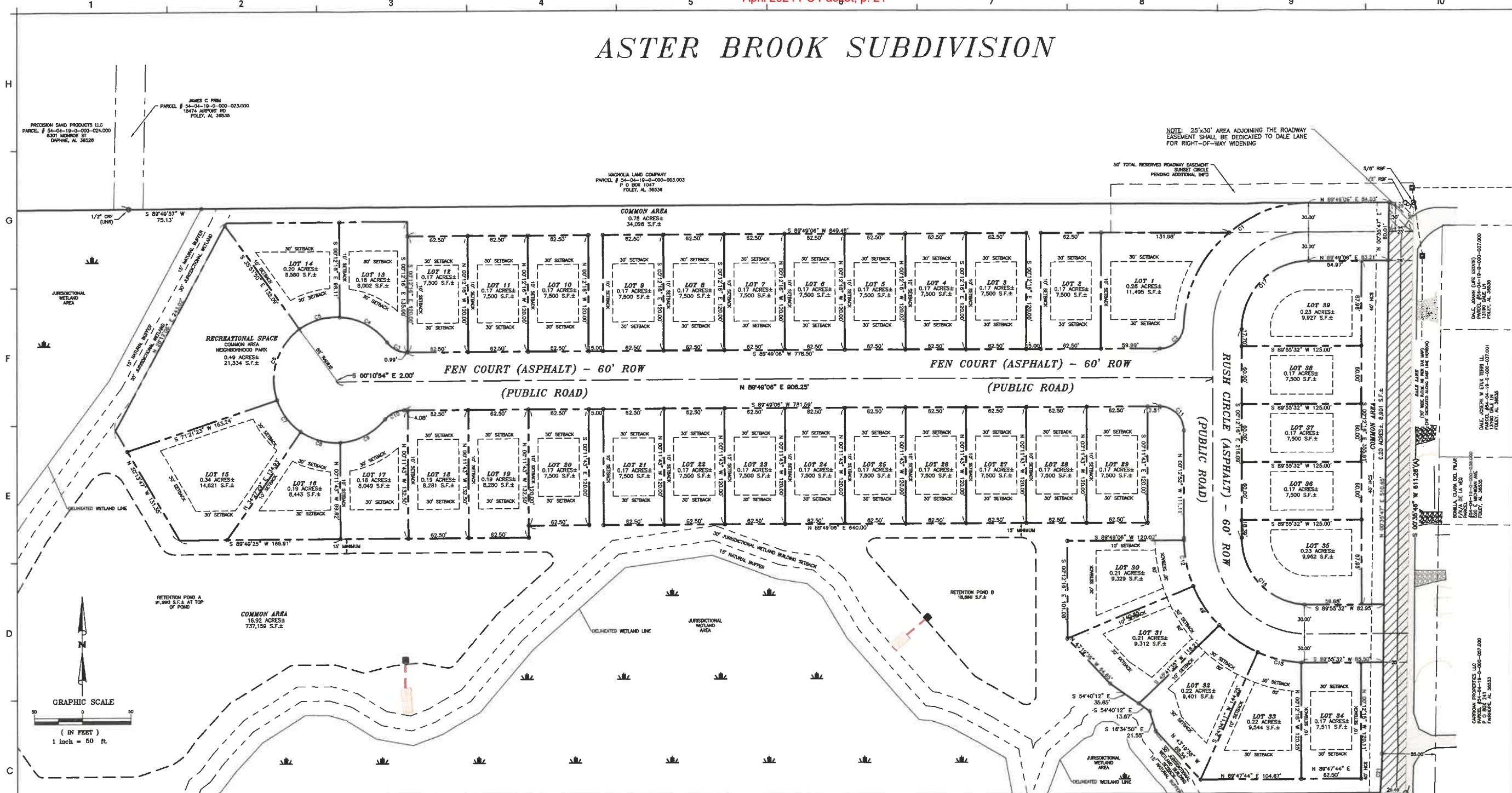
GMC Project #CMB22001



PRELIMINARY PLAT
OVERALL VIEW
BOUNDARY &
TOPOGRAPHIC SURVEY

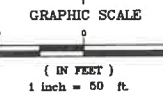
C-101
Sheet 1 of 3

ASTER BROOK SUBDIVISION



NOTE: 25'x30' AREA ADJOINING THE ROADWAY EASEMENT SHALL BE DEDICATED TO DALE LANE FOR RIGHT-OF-WAY WIDENING

NOTE: THE PORTION OF THE ROADWAY EASEMENT RECORDED WITHIN INSTRUMENT NO. 691422 THAT RUNS THROUGH THIS DEVELOPMENT SHALL BE DEDICATED TO DALE LANE FOR RIGHT-OF-WAY WIDENING



SITE DATA
 TAX PARCEL NO. 54-04-19-0-000-038.000
 TOTAL SITE AREA AFTER DEDICATION = 27.72 ACRES± (1,207,568 S.F.±)
 TOTAL NUMBER OF LOTS = 39
 SMALLEST LOT = LOT 20-29, 0.17 ACRES± (7,800 S.F.±)
 LARGEST LOT = LOT 15, 0.34 ACRES± (14,821 S.F.±)
 TOTAL COMMON AREA = 17.36 ACRES± (756,227 S.F.±)
 TOTAL LINEAR FEET OF STREET = 1,428.83 FEET
 STORMWATER DETENTION 110,850 S.F.±=8.9%
 TOTAL AREA OF WETLANDS 453,090 S.F.±=36.39%

ZONING
 UNZONED - BALDWIN COUNTY DISTRICT 18
 CITY OF FOLEY
 EXTRA TERRITORIAL PLANNING JURISDICTION

ZONING REQUIREMENTS
 • 30' FRONT SETBACK
 • 30' REAR SETBACK
 • 10' SIDE SETBACK
 • 60' MINIMUM LOT WIDTH
 • MINIMUM LOT AREA IS 7,500 S.F.

UTILITY / DRAINAGE EASEMENTS
 • RIVERA UTILITIES REQUIRES A 10' UTILITY EASEMENT ON ALL LOT LINES AND COMMON AREAS ADJACENT TO THE R.O.W., AND 5' UTILITY EASEMENT ON EACH SIDE OF ALL INTERIOR LOTS AND COMMON AREA LINES, FOR UNDERGROUND POWER.
 • EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET
 • INTERIOR REAR AND SIDE LOT LINES: 7.5 FEET

UTILITIES
 POWER - RIVERA
 SEWER - RIVERA
 WATER - RIVERA
 TELE - CENTURUNK

GREEN SPACE REQUIREMENTS
 • TOTAL SITE AREA, EXCLUDING STORMWATER MANAGEMENT AREAS, SETBACKS AND JURISDICTIONAL WETLANDS = 12.20 ACRES± (531,252 S.F.±)
 • 15% GREEN SPACE REQUIRED = 1.83 ACRES (79,688 S.F.)
 • GREEN SPACE PROVIDED = 3.23 ACRES± (140,779±)
 • 25% ACTIVE RECREATION SPACE REQUIRED = 0.46 ACRES (19,922 S.F.)
 • ACTIVE RECREATION SPACE PROVIDED = 0.49 ACRES± (21,334 S.F.±)

SPECIAL NOTES

- NO JURISDICTIONAL WETLANDS WERE FILLED.
- BALDWIN COUNTY AND THE CITY OF FOLEY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF COMMON AREA, DRAINAGE FEATURES, OR ANY EASEMENTS AS PER THE APPROVED DIVISION.
- THE HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION FOR BALDWIN COUNTY, AL, ACT NO. 94-572, THE MINIMUM SETBACK REQUIREMENT MEASURED FROM THE CENTERLINE OF THE RIGHT-OF-WAY IS 40' ALONG DALE LANE.

LOT 2 SLIDE #780-D
 STEPHEN E. LAMBERT
 PARCEL # 54-04-19-0-000-038.000
 P. O. BOX 381025
 BIRMINGHAM, AL 35244

CURVE #	ARC LENGTH	RADIUS	CHORD	DISTANCE
C1	199.22'	130.18'	S45°56'40"W	180.34'
C2	39.28'	25.00'	N44°48'25"E	35.38'
C3	23.53'	25.04'	S63°14'48"E	22.67'
C4	57.46'	65.00'	N61°34'21"W	55.60'
C5	44.20'	65.00'	S73°37'27"W	43.35'
C6	82.58'	65.00'	S17°44'55"W	77.14'
C7	41.87'	65.00'	S37°05'56"E	41.15'
C8	43.04'	65.00'	S74°31'08"E	42.28'
C9	53.78'	65.00'	N62°48'31"E	52.28'
C10	22.12'	25.05'	S64°29'38"W	21.41'
C11	39.28'	25.00'	S45°11'53"E	35.35'
C12	48.59'	130.00'	N11°58'25"W	48.31'
C15	47.00'	130.00'	N76°17'17"W	46.75'
C16	105.21'	69.79'	S43°20'37"E	95.53'
C17	109.98'	70.00'	S44°48'25"W	99.01'

OWNER/DEVELOPER
 G. DAVID CUMMANS
 P.O. BOX 981
 SUMMERDALE, AL 36580

ENGINEER
 AMANDA THOMPSON, P.E.
 PROFESSIONAL ENGINEERING LICENSE #36358
 2039 MAIN STREET DAPHNE, AL 36526
 251-626-2626

SURVEYOR
 STUART L. SMITH, PLS
 PROFESSIONAL LAND SURVEYING LICENSE #27403
 2039 MAIN STREET DAPHNE, AL 36526
 251-626-2626



GOODWYN MILLS CAWOOD, LLC

2039 Main Street
 Daphne, AL 36526
 T 251.626.2626
 GMCNETWORK.COM

SURVEYED: 02/18/2022
PRELIMISSUED: 07/09/2024
DRAWN BY: SLS/UBB
CHECKED BY: SLS

ASTER BROOK SUBDIVISION
 CUMMANS CONSTRUCTION
 18725 DALELANE FOLEY, ALABAMA

GMC Project #CMB022001



PRELIMINARY PLAT
 SUBDIVISION

C-101
 Sheet 2 of 3

ASTER BROOK SUBDIVISION

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I (WE), THE UNDERSIGNED AM (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREOF INDICATED; AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS ____ DAY OF _____, 20

CUMMANS CONSTRUCTION
HASTY LANAY

ACKNOWLEDGEMENT OF NOTARY PUBLIC (OWNER)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, DO CERTIFY THAT ADVANTARA, LLC, FBO CHRIS H. NEAL, IRA WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID PERSON OR CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20

CITY ENGINEER

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

THE UNDERSIGNED, AS _____ OF BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HEREBY CERTIFIES THAT, AT ITS MEETING OF _____ THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION APPROVED THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE DAY OF _____, 20

BY: _____
ITS: _____

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR

THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20

PLANNING DIRECTOR

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20

COUNTY ENGINEER

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY E-911 ADDRESSING

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE DAY OF _____, 20

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (WATER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS ____ DAY OF _____, 20

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (SEWER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS ____ DAY OF _____, 20

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (POWER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS ____ DAY OF _____, 20

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY CENTURYLINK

THE UNDERSIGNED, AS AUTHORIZED BY CENTURYLINK HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS ____ DAY OF _____, 20

AUTHORIZED SIGNATURE



GOODWYN MILLS CAWOOD, LLC

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

SURVEYED: 02/19/2022
PRELIM ISSUED: 01/09/2024

DRAWN BY: SLS/JBB
CHECKED BY: SLS

ASTER BROOK SUBDIVISION
CUMMANS CONSTRUCTION
13125 DALELANE FOLEY, ALABAMA

GMC Project #CMOB220011



PRELIMINARY PLAT
SUBDIVISION

C-103
sheet 3 of 3

These amendments were carried over from the March 2024 meeting. This is the original text. Changes may be presented at the April meeting.

Amendment #4 (text amendment)

Amend Article VI – General Regulations, Section 6.1.4 Public Utilities, to strike construction and erection of poles, wires etc. and to provide intent that utility providers must comply with municipal ordinance and regulations on the subject matter of utilities.

6.1.4 PUBLIC UTILITIES

Utility structures including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone service or cable television, and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be ~~constructed, erected~~, repaired, maintained or replaced within any district within the City **unless specifically prohibited by municipal ordinance or regulations**. This is not to be construed to include the erection or construction of buildings. Electric substations are conditional uses in all zoning districts of the City.

Amendment #5 (text amendment)

Amend Article 4. Purpose and Method of the Zoning Ordinance **to include a new section 3.7 entitled “Planning Commission Review of Public Uses, Structures, Streets, Public Ways, and Public Utilities (Publicly or Privately Owned)”**.

3.7. Planning Commission Review of Public Uses, Structures, Streets, Public Ways, and Public Utilities (Publicly or Privately Owned)

No street, park, or other public place, open space, or public building or structure, public utilities (publicly or privately owned) within the jurisdiction of the City of Foley, as specified herein, shall be authorized or constructed without Planning Commission approval in compliance with Code of Alabama 11-52-11, and these provisions.

A. The limitations of this review are as follows:

1. Normal routine maintenance and repairs of public buildings and structures do not require review and alterations or additions that do not materially affect or impact to location, aesthetics and scale.
2. Secondary distribution lines, lower-voltage power lines branching off from primary distribution lines serving end-users, do not require Planning Commission approval.
3. Water and sewer project review is limited to large-scale projects that involve extensive upgrades in capacity or introduce new services to a significant geographic area, which may affect the City's planning efforts.
4. Telecommunications installation review is limited to projects in any right-of-way exceeding 3,500 linear feet.

B. These limitations do not apply to the following:

1. Primary distribution lines, commonly referred to as primaries, responsible for carrying high-voltage power from substations to various distribution points.
2. Upgrades to the infrastructure of existing served areas that involve the relocation or replacement of existing poles with larger diameter or girth, taller poles, which

materially affect the use of a right of way, potential future road related improvements or impact aesthetics.

3.7.1 Geographic Applicability:

- a. Review of public uses, buildings, and structures shall be limited to projects within the municipal corporate limits.
- b. Review of transportation-related public ways is applicable to projects within the corporate limits. Specifically, in the planning jurisdiction, the focus is on subdivision development including private streets with connections to public streets or roads.
- c. Review of publicly or privately owned public utilities is conducted for projects within the corporate limits and planning jurisdiction.

3.7.2. Standards of 11-52-11 Review and Approval

In adherence to Code of Alabama 11-52-11, the prerequisite to the Planning Commission's authority for the review is the adoption of a Comprehensive Plan (master plan) and 11-52-34 Major Street Plan for the evaluation of streets and transportation-related public ways. The Comprehensive Plan (master plan) and Major Street Plan shall serve as the primary tools in the long-range planning decision-making process. In addition to these overarching standards of review, the following specific criteria will be considered in the decision making process of the Planning Commission.

a. Location, Character, and Extent of Public Buildings, Structures and Uses

Standards of Review:

In the context of public uses and structures:

1. "Location" pertains to the specific area, considering factors such as context, transportation, amenities, and urban or rural setting.
2. "Character" encompasses visual appearance, architectural style, and design elements, influenced by historical, cultural, and contextual factors.
3. "Extent" addresses the size, scale, and scope of the project, including physical dimensions, height, and footprint.

b. Location, Character, and Extent of Streets and Transportation-Related Public Ways Standards of Review:

1. The evaluation process should consider street location and context based on the Comprehensive Plan (master plan) and Future Land Use Plan, and Major Street Plan—identified as primary documents in the review process.
2. Street design context, user requirements, and transportation functions.
3. The connectivity and character of land use.
4. Context-sensitive street location and design.
5. Alignment, coordination, and consistency with major street plan as required in Code of Alabama Section 11-52-34.
6. In the context of subdivision development, this review should occur at the time of site plan and/or plat approval by the Planning Commission.

c. Location, Character, and Extent of Public Utilities, whether publicly or privately owned, Standards of Review:

1. The general location and areas to be served, ensuring consistency with the

Comprehensive Plan and Future Land Use Plan, and aligning with recommended density and intensity of development.

2. Coordination with other municipal capital investments, including roads, buildings, and other capital projects.
3. Accomplishing coordinated, adjusted, and harmonious development of the City and its environs consistent with present and future needs.
4. Ensuring efficiency in service delivery to prevent wasteful redundancy of utilities and overcrowding of right of ways.

3.7.3. Timely Approval

The failure of the planning commission to act on a proposal request within 60 days from the official submission date shall be deemed as approval.

3.7.4 Planning Commission Disapproval

In the case of disapproval the planning commission shall communicate its reasons to the City Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two thirds of its entire membership

23



PLANNING COMMISSION JOINT STAFF REPORT: April 2024

STAFF RECOMMENDATION: Work Session Only

PROJECT NAME: Would like to discuss constructing commercial spaces as shown in the renderings on lot 5

REQUEST: Work Session

SUB TYPE: Work Session

OWNER / APPLICANT: Jim Brown

ACREAGE: 1.19

PIN#(s): 376672

LOCATION: S. of Mifflin Rd. & E. of Boulevard De Sevilla

PROJECT DESCRIPTION: Would like to discuss constructing commercial spaces as shown in the renderings on lot 5

CURRENT ZONING: PDD

OVERLAY DISTRICT: N/A

REQUESTED ZONING: N/A

ADJACENT ZONING: N,S,&W: PDD, E: B-3

FUTURE LAND USE: MXU, Mixed Use
Commercial/Residential

EXISTING LAND USE: VACANT

WITHDRAWN



24

UTILITY LETTERS RECEIVED: No
 DEED RECEIVED: No
 AGENT AUTHORIZATION: No

Reviewer: Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department
Review Status: Approved

- 1. This is for work session only.

Reviewer: Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering
Review Status: Approved

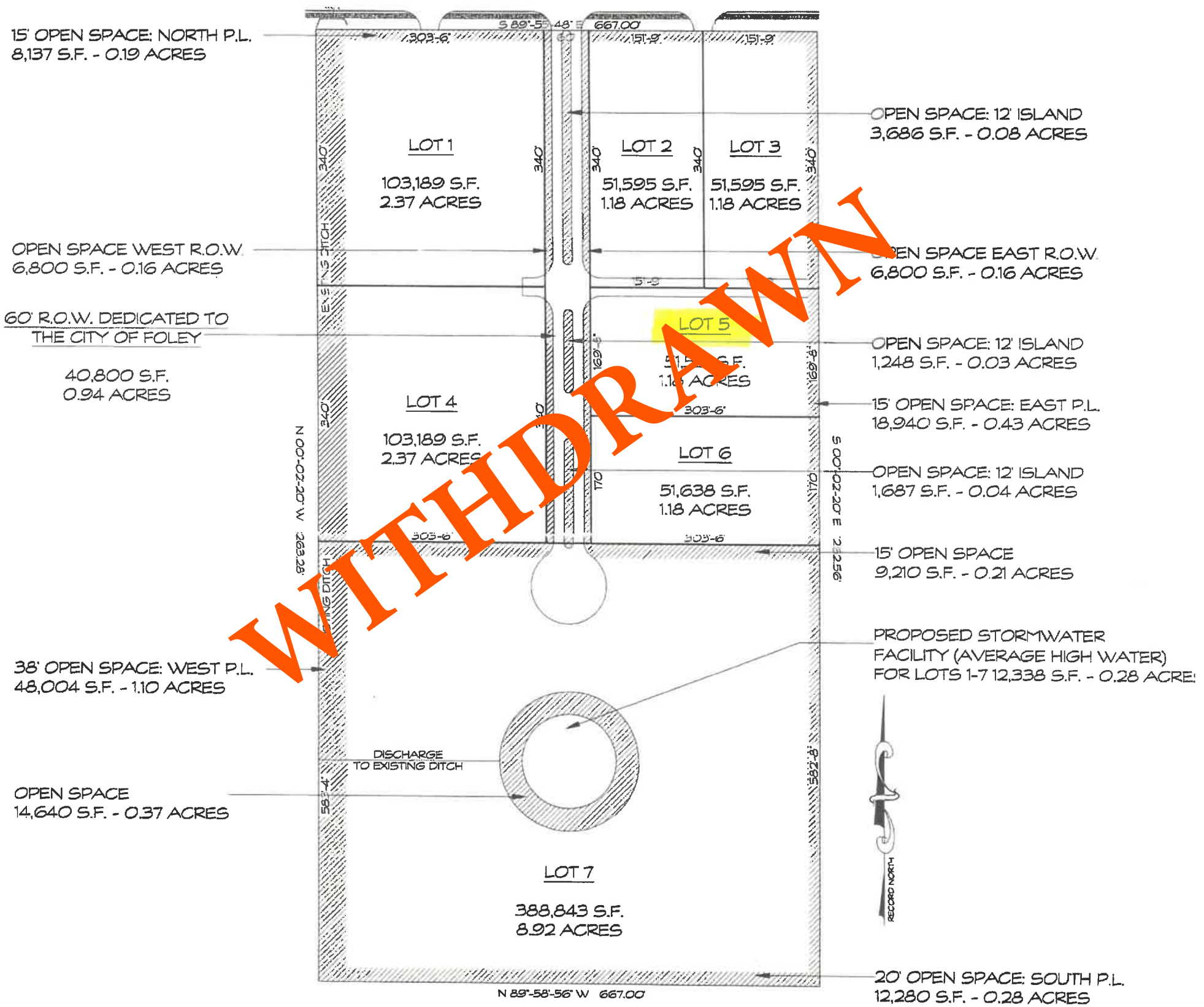
- 1. Engineering is ok with this item being on work session for discussion.

Reviewer: Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental
Review Status: Approved

- 1. Environmental has no comments at this stage of the review process.

WITHDRAWN

MIFLIN ROAD (BALDWIN COUNTY ROAD NO. 20)
120' RAW

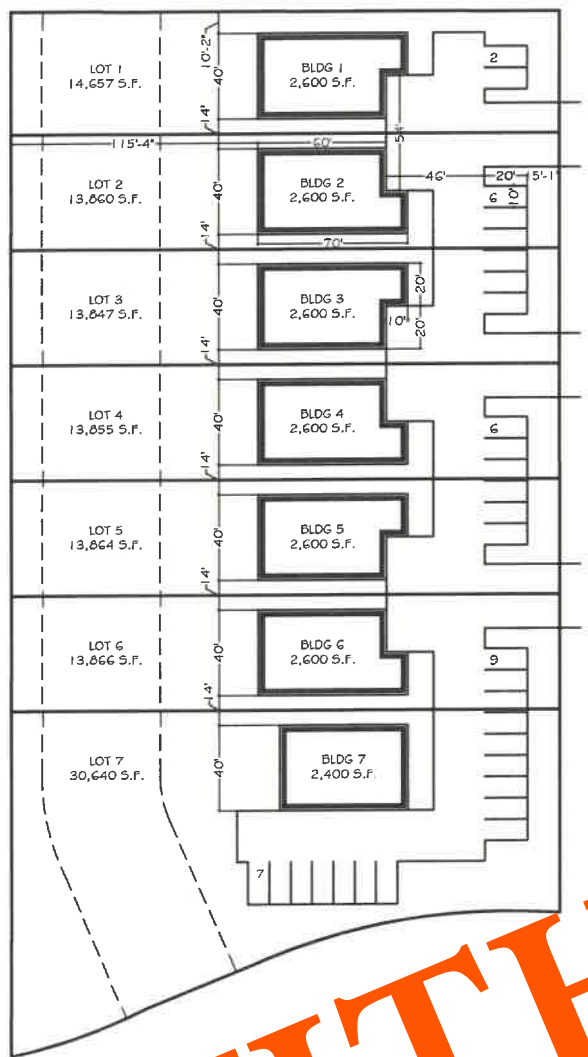


WITHDRAWN

SUBDIVISION PLAN - 7 LOT SUBDIVISION

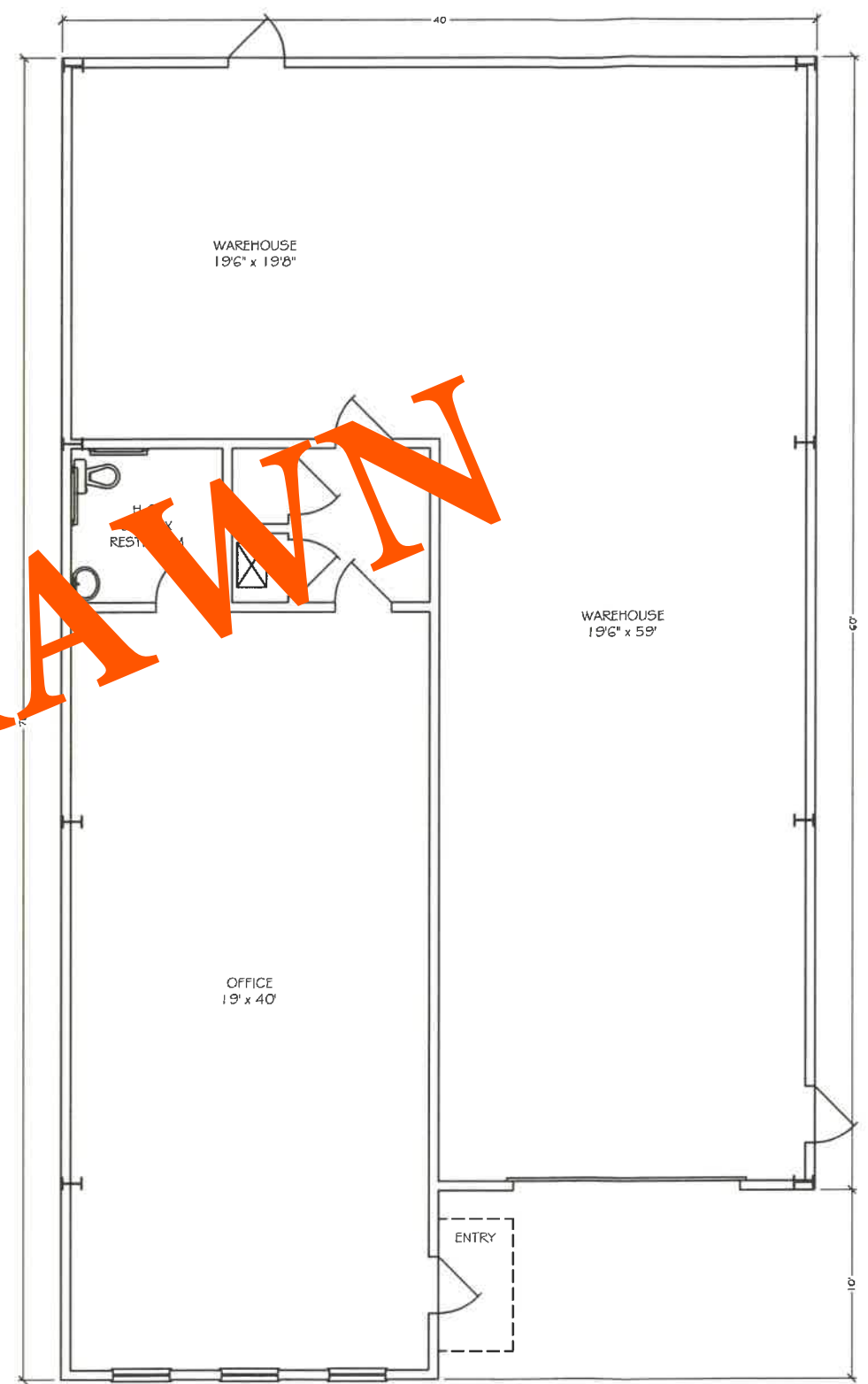
TOTAL LAND : 842,404 S.F. - 19.34 ACRES
15% MIN REQUIRED OPEN SPACE : 126,360 S.F. - 2.90 ACRES
OPEN SPACE SHOWN : 131,432 S.F. - 3.05 ACRES
SCALE: 1" = N.T.S.

RECEIVED
OCT 27 2016
BY: [Signature]

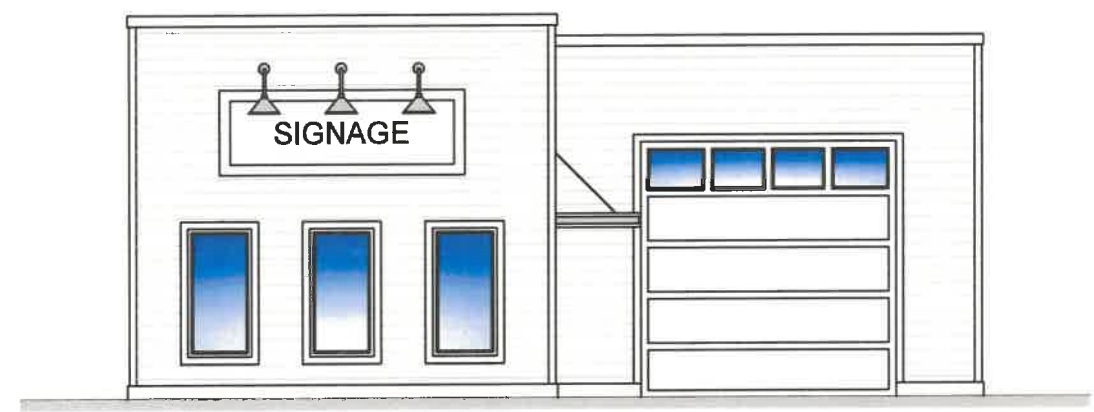


SITE DEVELOPMENT PLAN
SCALE: 1/4" = 1'-0"
OFFICE SPACE PER 400 S.F. = 8,400 S.F. = 21 SPACES
WAREHOUSE SPACE (PER 3,000 S.F.) = 9,600 S.F. = 4 SPACES
REQUIRED PARKING - 25
PARKING SHOWN - 30

WITHDRAWN



FLOOR PLAN
OFFICE SPACE - 1,000 S.F.
WAREHOUSE - 1,600 S.F.
TOTAL BLDG - 2,600 S.F.



STREET ELEVATION

HICKORY STREET DEVELOPMENT
HICKORY STREET
FOLEY, ALABAMA

CONCEPT FLOOR PLAN AND BUILDING ELEVATIONS

JOB NUMBER:
241007

DATE:
03.13.2024

DRAWN: CG
CHECKED: CG
REVISION:

SCALE:
1/4" = 1'-0"

SHEET NO:
01
OF
01

Work Session
only an

Proposed Amendments to Miscellaneous Sections of Zoning Ordinance

Prepared by Eden Lapham, March 2023

ARTICLE II - DEFINITIONS

2.1 DEFINITIONS APPLICABLE TO THIS ORDINANCE

Dumpster Enclosure. Dumpster / Trash enclosures are a structure built to provide shelter for a trash dumpster and for recyclable materials.

Landscaping Material. Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, and landscape water features. Non-living material may be used in such a manner as to present a finished appearance and to complete coverage, and may consist of pine or cypress bark, crushed pecan shell, pine straw, or other decorative mulch.

Master Signage Plan (MSP): A comprehensive document presented to and approved by the Planning Commission that contains a set of criteria and standards for present and future freestanding signage in common areas of a Planned Development in order to create a cohesive architectural statement. The MSP should identify locations of all expected signage and call out any requested relaxations of the standard sign regulations included in this zoning ordinance. The MSP may be modified as needed during site plan approvals through a Planned Development's progress in phases.

Nit: A term used to describe a unit of measure for luminance intensity per unit area that is projected in a given direction. A nit is equal to one candela per square meter. A nit measures the luminance of a light source which is closely related to the perceived "brightness" of the light source.

Open Space: Land which is landscaped or left in a natural state and is intended for natural or scenic preservation and/or active / passive recreational uses and their accessory Structures. Where minimum Open Space reservation percentages of a development are required per the Zoning Ordinance, the percentage amount and use restrictions are detailed in the individual zone. The City's Land Development Ordinance also contains "Conservation Area" or "Green Space" requirements that must be met in conjunction with the Zoning Ordinance Open Space requirements.

Parking Space: The space necessary to park an automobile which shall not be less than an area ten (10) feet wide by twenty (20) feet long for perpendicular parking spaces and nine (9) feet by twenty (20) feet for a herringbone/angle design. All parking spaces required shall be provided along with necessary lanes and maneuvering areas. Size requirements are defined in Article 10. No two-way entrance or aisle shall be less than twenty-five (25) feet in width. In no event shall an entrance or aisle be less than twenty (20) feet.

Planned Developments: Planned Developments include Townhomes, Multi-Family and Mixed-Use developments R3 Residential Multi-Family, TH-1 Residential Townhouse, PUD Planned Unit Development, PDD Planned Development District, MH-1 Mobile/Manufactured Dwelling Parks, RV Recreational Vehicle Parks and PID Planning Industrial Districts. These zones require a master plan layout prior to zoning / rezoning. The approved layouts then become the "zoning" for these properties and are considered site plan approval as well unless otherwise noted in the meeting minutes. The



approved layouts can only be modified by the Planning Commission and in certain instances will require City Council approval as well.

Sign, Changeable Copy: A sign upon which the copy may be manually changed, rearranged, or altered or removed without altering the structure of the sign face or support.

Site Plan: The plan drawings of a proposed development on a lot or lots which reflects the existing conditions and proposed changes, including drainage, and any other possible environmental impact.

Sign, Monument: A sign mounted to the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign.

Storage Structures / Open Space Storage: A structure, groups of structures or open space intended, designed, or capable of being used as rental storage facilities to individuals, businesses or other entities. Said definition shall also include the term "mini-warehouse", "boat", "RV" and other similar storage facility-facilities.

ARTICLE III - PURPOSE AND METHOD

3.3 ZONING DISTRICT Classification Chart

Designation	General Use	Specific Use
R-1R	Residential Zone	Restricted Single Family
R-1A	Residential Zone	Single Family
R-1B	Residential Zone	Single Family
R-1C	Residential Zone	Single Family
R-1D	Residential Zone	Single Family
R-2	Residential Zone	Single Family & Two Family
R-3	Residential Zone	Multi-Family
R-4	Residential Zone	Single Family & Two Family
GPH-1	Residential Zone	Garden-Patio Homes
TH-1	Residential Zone	Townhouses
MH-1	Residential Zone	Mobile Home/Park Subdivision
RV	Special Use	RV Park - short term rentals
PUD	Special Use	Planned Unit Development
PDD	Special Use	Planned Development District
PID	Industrial Use	Planned Industrial District
B-1	Commercial Use	Central Business District
B-1A	Commercial Use	Extended Business District
B-2	Commercial Use	Neighborhood Business District
B-3	Commercial Use	Local Business District
PO	Office Zone	Preferred Office District
M-1	Industrial Zone	Light Industry
A-O	Agriculture	Open Space / Agricultural Use
OSP	Parks/Public Land	Open Space / Preservation District
PUBLIC USE	Government/Public Use	Parks and Buildings for Public Use
H	Historic Overlay	Overlying Area of Historic District
FDOD	Foley Downtown	Overlay of Downtown

ARTICLE IX - COMMERCIAL – MISCELLANEOUS

Dumpster / Trash Enclosures are considered accessory structures for setback, location and similar purposes. Please refer to Engineering / Public Works for specific design criteria.

ARTICLE XIII - DISTRICT REGULATIONS

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;~~

ARTICLE X - PARKING, LANDSCAPING, BUFFER, & LIGHTING REQUIREMENTS

10.1.D.7. Warehouses, Storage Structures / Open **Space Storage** – 1 space for each 3,000 sq. ft. of gross floor area.

10.1.E Parking space and aisle size requirements:

1. Perpendicular spaces - 10 ft wide by 20 ft long
2. Herringbone/Angle spaces - 9 ft wide by 20 ft long
3. One way traffic parking lot aisle width - 20 ft minimum
4. Two way traffic parking lot aisle width - 25 ft minimum

10.1.1. USE AND MAINTENANCE OF PARKING LOTS (NON-RESIDENTIAL)

Off-street parking for non-residential uses:

- A. Required parking must be designated by pavement, gravel, cross-ties or some similar method.
- B. Shall not be used for the parking or storage of automobile trailers, **boat trailers, non-motorized recreational vehicles and similar vehicles.**

10.3 Exterior Lighting Requirements

A. Purpose and Intent: The purpose of this regulation is to minimize light pollution, glare, and light trespass by establishing guidelines for exterior lighting applications. These regulations aim to ensure that outdoor lighting enhances safety and visibility while minimizing adverse impacts on the night sky and neighboring properties.

B. Application Requirements:

1. Exterior lighting plans are required for all projects other than single family residential. An exterior lighting plan, including a photometric plan (which covers the parcel which is the site of the building or project in question), appropriate pole, fixture, and lamp cut sheets, and descriptions of lenses and appropriate data tables, shall be submitted for review during the site plan approval process.
2. All applications for exterior lighting installations must include the following:
 - a. Photometric Plans: A detailed photometric plan covering the entire site must be submitted. The plan should demonstrate the distribution of light and ensure

compliance with the requirements outlined in this regulation. Photometric plans must be prepared by a licensed professional engineer or lighting designer.

- b. Fixture Specifications: Complete specifications for all lighting fixtures proposed for installation, including cut sheets, must be provided. This should include information on the fixture type, wattage, shielding, and any additional features designed to minimize light pollution, glare, or spill light.
- c. Mounting Heights: Proposed mounting heights for lighting fixtures should be specified, ensuring that fixtures are positioned to minimize upward light and glare.
- d. Control Measures: Applicants must outline any proposed control measures, such as timers, motion sensors, or dimmers, intended to minimize unnecessary or excessive lighting during non-operational hours.

C. Photometric Performance Requirements:

1. Light Distribution: Lighting fixtures must be selected and positioned to achieve uniform light distribution across the site, with emphasis on minimizing upward light and spill light onto adjacent properties.
2. Cutoff Fixtures: All lighting fixtures must be cutoff fixtures, designed to limit upward light emissions and glare.
3. Spill Light Control: Measures must be implemented to minimize spill light onto adjacent properties. This may include the use of shields, baffles, or other appropriate methods to direct light downward and confine it within the boundaries of the property.

D. Illumination Levels:

1. Maximum Intensity: The maximum illumination levels at the property line should not exceed 0.5 footcandles when adjacent to residential properties and 1.0 footcandles when adjacent to other uses. These levels should be maintained throughout the operational hours of the lighting system.
2. Gradual Dimming: Lighting systems must incorporate gradual dimming controls to reduce illumination levels during non-operational hours, minimizing light pollution and unnecessary energy consumption.

E. Prohibitions: The installation, retrofitting, or modification of wall pack lighting fixtures, as well as any similar fixtures attached to exterior walls and characterized by outward-facing design and emitting excessive glare and spill light, is strictly prohibited.

F. Compliance and Enforcement:

1. Inspections: Compliance with this regulation will be verified through site inspections conducted by authorized personnel.
2. Penalties: Non-compliance with the requirements of this regulation may result in penalties, including fines and the requirement to modify or remove non-compliant lighting installations.

G. Exemptions: While the following are exempt from certain provisions of this regulation but must still adhere to the principles of minimizing light pollution, glare, and light trespass to the greatest extent possible.

1. Emergency lighting necessary for safety and security purposes is exempt from certain provisions of this regulation but must still adhere to the principles of minimizing light pollution, glare, and light trespass to the greatest extent possible.
2. Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules, and regulations take precedence over these provisions.
3. Public schools.

4. Recreational sporting venues owned by the City

H. Applicability: This regulation applies to all new exterior lighting installations and modifications to existing installations within the City.

I. Definitions:

1. Photometric Plans: Detailed diagrams illustrating the distribution and intensity of light across a site, typically prepared by a licensed professional engineer or lighting designer. These plans provide critical information for assessing the performance of exterior lighting installations and ensuring compliance with regulatory standards.
2. Footcandle (f.c.): A unit of illuminance measuring one lumen per square foot.
3. Control Measures: Strategies and mechanisms implemented to regulate the operation of lighting systems, including timers, motion sensors, dimmers, and other devices intended to minimize unnecessary or excessive lighting during non-operational hours.
4. Light Distribution: The manner in which light is spread or dispersed across a given area, aiming to achieve uniform illumination while minimizing glare, hot spots, and uneven lighting. Proper light distribution is essential for optimizing visibility and safety in outdoor environments.
5. Cutoff Fixtures: Outdoor lighting fixtures designed to limit the upward emission of light and control glare by utilizing shielding or other mechanisms to direct light downward. Cutoff fixtures help minimize light pollution and prevent unnecessary illumination of the night sky.
6. Spill Light Control: Measures implemented to minimize the unintended projection of light beyond the boundaries of a property, reducing light trespass onto adjacent properties and minimizing the adverse effects of glare and excessive illumination.
7. Maximum Intensity: The maximum allowable level of illumination at the property line, typically expressed in footcandles (fc). Maximum intensity standards help ensure that lighting installations do not produce excessive glare or spill light onto neighboring properties, contributing to a more visually comfortable and environmentally responsible outdoor lighting environment.
8. Gradual Dimming: A feature of lighting systems that allows for the gradual reduction of illumination levels during non-operational hours. Gradual dimming controls help minimize light pollution, conserve energy, and promote responsible outdoor lighting practices by adjusting lighting levels to match changing environmental conditions and usage patterns.
9. Emergency Lighting: Lighting systems designed to provide illumination during emergency situations, such as power outages or evacuations, to ensure the safety and security of occupants. While emergency lighting is exempt from certain provisions of exterior lighting regulations, it is still subject to requirements aimed at minimizing light pollution, glare, and light trespass.
10. Wall pack lighting fixtures are defined as outdoor lighting fixtures designed to be attached directly to exterior walls, characterized by their outward-facing design and tendency to emit excessive glare and spill light.

ARTICLE XI - SITE PLAN REVIEW

Site plans may be required to be submitted to the Planning Commission for input in cases where the proposed development meets the following criteria. Please note that site plan criteria for planned developments falls under a different category - see Definition. The site plan approval will be valid for

12 months but will expire after this date if no building development / building permits have been obtained. The Planning Commission may extend the site plan approval if ~~it is determined there is an extenuating circumstance~~, engineering & environmental permits are in process or if a portion of the building permits have been pulled for the project. A new site plan meeting the most current regulations may be submitted for Planning Commission review & consideration.

ARTICLE XIV - SINGLE FAMILY RESIDENTIAL & DUPLEX DISTRICTS

14.1.1 R-1R RESTRICTED RESIDENTIAL SINGLE FAMILY

D. Requirements:

Garage Setback (Front Loaded) 40'

14.1.2 R-1A RESIDENTIAL SINGLE FAMILY

D. Requirements:

Garage Setback (Front Loaded) 40'

14.1.3 R-1B RESIDENTIAL SINGLE FAMILY

D. Requirements:

Garage Setback (Front Loaded) 40'

14.1.4 R-1C RESIDENTIAL SINGLE FAMILY

D. Requirements:

Garage Setback (Front Loaded) 40'

14.1.5 R-1D RESIDENTIAL SINGLE FAMILY

D. Requirements:

Garage Setback (Front Loaded) 40'

14.1.6 R-2 RESIDENTIAL SINGLE FAMILY AND DUPLEX

D. Requirements:

SINGLE FAMILY:

Garage Setback (Front Loaded) 40'

DUPLEX:

Minimum Lot Area (duplex)	11,500 square feet*
Landscape Requirements (duplex)	10% of Minimum lot area
Garage Setback (Front Loaded)	40'

DEFINITIONS:

- i. Architectural Details - Include but are not limited to: porch railings; column size, taper, base and molding; dormer windows; shutters; ~~transparency~~, and similar.
- ii. Building Facade Recesses - Porches or patios
- iii. Landscaping - ~~An area of mixed vegetation along the primary facade facing the street. Landscaping can consist of trees and/or shrubs.~~ See Definition of "Landscaping Material".

14.1.7 R-4 RESIDENTIAL SINGLE FAMILY AND DUPLEX

D. Requirements:

SINGLE FAMILY:

Garage Setback (Front Loaded)	40'
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DUPLEX:

Minimum Lot Area (duplex)	11,500 square feet*
Landscape Requirements (duplex)	10% of Minimum lot area
Garage Setback (Front Loaded)	40'

DEFINITIONS:

- iv. Architectural Details - Include but are not limited to: porch railings; column size, taper, base and molding; dormer windows; shutters; transparency; and similar.
- v. Building Facade Recesses - Porches or patios
- vi. Landscaping - ~~An area of mixed vegetation along the primary facade facing the street. Landscaping can consist of trees and/or shrubs.~~ See Definition for "Landscaping Material".

14.1.8 GPH-1 RESIDENTIAL GARDEN PATIO HOMES**D. Requirements:**

Garage Setback (Front Loaded)	40'
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ARTICLE XVI - MANUFACTURED HOMES**16.1.3.C Required Open Space:**

1. Each mobile / manufactured dwellings park shall provide land for open space which may be used for recreational purposes, but which may not be used for parking or for accessory structures. Such open space shall total at least fifteen percent (15%) of the gross land area of the park. This requirement does not apply to mobile / manufactured dwellings subdivisions.

2. Mobile / manufactured dwellings subdivisions greater than five (5) acres in total area shall include, at a minimum, open space equal to ten percent (10%) of the total area. Such open space may be used for recreational purposes, but may not be used for parking or accessory structures.

3. 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.

ARTICLE XVII - RECREATIONAL VEHICLE (RV) PARK**17.1.3 GENERAL REQUIREMENTS**

17.3.D Minimum 25% open space excluding required stormwater / drainage. The minimum 25% shall be reserved collectively in contiguous units accessible to all the RV sites and maintained by the property owners. This open space is to be used for: accessory uses, parks, recreation facilities, sidewalks, clubhouse, pool, and similar. 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.

ARTICLE XVIII - COMMERCIAL / OFFICE DISTRICTS

18.1.1.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; storage structures / open **space storage**; home based businesses; and home occupations.

18.1.2.B - Uses / Structures Permitted on Appeal: Automobile repair (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; storage structures / open **space storage**.

18.1.3.B - Uses / Structures Permitted on Appeal: Large dry cleaners and laundries; veterinary clinics and hospitals; automobile repair (major), manufacturing incidental to a retail business where articles are sold at retail on the premises, wholesale businesses, storage structures / open **space storage**.

18.1.4.B - Uses / Structures Permitted on Appeal: Veterinary clinics / hospitals; kennels; wholesale; storage structures / open **space storage**.

ARTICLE XXI - PLANNED DEVELOPMENTS

21.1.1 R-3 Residential Multi-Family

- **E.6.b** - Include sufficient open spaces in the form of squares, greens and parks. A minimum of 25% of open space shall be provided in all multiple family developments. Stormwater retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission. **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.**

21.1.2 TH-1 Residential Townhouse

- D. Requirements:

Minimum Area	1 acre
Minimum Lot Area	2,400 square feet*
Minimum Lot Width at Building Line	25 24 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Side Yard (on end unit)	16 feet
Minimum Depth of Side Yard Abutting Street	16 feet
Minimum Open Space if <5 ac	20%
Minimum Open Space if ≥5 ac	25%
Maximum Building Height (feet):	50 feet
Maximum Building Height (stories):	3
Off-Street Parking Spaces (per family unit)	2
Maximum Density Per Acre	15

* or meet Health Department requirements.

- H.9 - Townhouse developments with a total area less than five (5) acres shall have at least twenty (20) percent common open space and five (5) acres or greater shall have at least twenty-five (25) percent of the total area devoted to common open space, exclusive of parking areas, accessory buildings, or required drainage. Such common open areas may include recreational facilities. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development. **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.**

21.2.1 PUD - PLANNED UNIT DEVELOPMENT

- **C.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. 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.

21.5 PDD – PLANNED DEVELOPMENT DISTRICT

G. There shall be a minimum of at least twenty percent of the gross lot area (20%) designated open space in a PDD exclusive of all drives, walkways, parking areas and required drainage. Access roads and drainage infrastructure, water, sewer, electricity, telephone and other utilities shall be provided to serve the development at the completion of construction of each development phase. Performance bonds may not be posted for drainage and sewer work. 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.

ARTICLE XXV - OVERLAY DISTRICTS

25.2 FOLEY ZONING MAP

A layer defining the Historic Overlay District boundary will be provided in the online Foley Zoning Map. ~~The Foley Zoning Map shall be amended and shall reflect the designation of the Historic District Overlay according to the Historic District Overlay Boundaries and the letter H added as a suffix to the underlying zoning district(s).~~

25.8 ESTABLISHMENT OF FDOD BOUNDARIES

A map of the FDOD overlay boundary is included in the Zoning Ordinance (see Appendix Exhibit A), and a layer containing the FDOD boundary will be provided in the online Foley Zoning Map. ~~The Foley Zoning Map shall reflect the designation of the Foley Downtown Overlay District according to the Foley Downtown Overlay District Boundaries and the letters FDOD added as a suffix to the underlying zoning district(s).~~

Proposed Amendments to ZO - Signs

Prepared by Eden Lapham, March 2023

Work Session
only

Anything left white in the proposed version below is the original wording from the current ordinance, but it may be placed in a different order than it was before. Changes are highlighted in yellow (strikethrough where deletions occur).

ARTICLE XXII - SIGN REGULATIONS

22.1 GENERAL PROVISIONS

22.2 PROHIBITED SIGNS

22.3 TEMPORARY SIGNS NOT REQUIRING PERMITS

22.4 TEMPORARY SIGNS REQUIRING AN EXEMPT PERMIT

22.5 SIGNS REQUIRING A PERMIT

22.6 ELECTRONIC SIGN REGULATIONS

22.7 SIGNS LOCATED IN OVERLAY DISTRICTS

ARTICLE XXII - SIGN REGULATIONS

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the Zoning Ordinance.

22.1 - GENERAL PROVISIONS

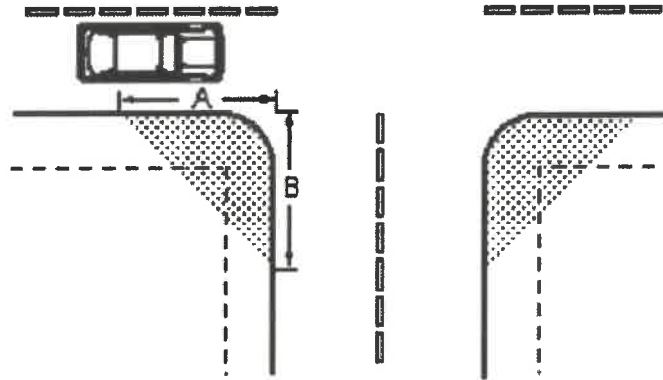
- A. PERMITS REQUIRED - Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the City or cause the same to be done, without first obtaining a Building Permit for each sign from the Building Official.
1. APPLICATION FOR PERMIT - The City's online application process shall be followed to request a sign permit. The following information is required to assure compliance with all appropriate laws and regulations of the City:
 - a. Name and address of owner of the sign.
 - b. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
 - c. Clear and legible drawings with description definitely showing the location of the sign which is subject of the permit and all other existing signs for that particular business at that location. Signs located at intersections should also provide required Vision Clearance Areas on the drawing as defined in section 22.1.D below.
 - d. Drawings showing the dimensions, construction supports size, electrical wiring, components, illumination method, materials of the sign and method of support.
 - e. If the sign is or will be located within the Local Downtown Historic District, a Certificate of Appropriateness (COA) must be received prior to permit application.

2. DENIAL OF PERMIT - When a permit is denied by the Community Development Director, notice shall be given to the proper applicant with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.
 3. APPEAL OF PERMIT DENIAL - If the denial is based on the interpretation or enforcement of the Zoning Ordinance, any aggrieved party may appeal the decision or interpretation of the Community Development Director to the Zoning Board of Adjustment and Appeals.
 4. USES PERMITTED AND USES PERMITTED ON APPEAL - Signs allowed for Article XIII - District Regulations (Section 13.1.1 "Uses Permitted", and Section 13.1.2 - "Uses Permitted on Appeal") shall meet the requirements of the zoning district in which they are located.
 5. PERMIT EXCEPTIONS - The following activities shall not require a permit from the City of Foley, but the sign shall comply with the other provisions of this ordinance:
 - a. Altering the advertising copy or message on an existing approved sign or marquee which is specifically designed for the use of replacement copy.
 - b. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- B. MAINTENANCE / UNSAFE SIGNS - Every sign in the City shall be maintained in good structural condition. The Community Development Director may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned or which constitute a physical hazard to public safety. Any repair, painting, alteration, or removal will be at the sign owner's expense.
- C. LOCATION
1. All signs shall be on premise and may not extend beyond the property lines of the property on which the sign is located nor interfere with any public right-of-way or public easement, except as permitted specifically within this Ordinance or other City ordinances.
 2. No signs shall be erected in public right-of-way or on public sidewalks, **except those necessary for regulatory, statutory or traffic control purposes, or other directional signs placed by the City of Foley, Baldwin County, the State of Alabama, or the United States.**
- D. VISIBILITY
1. No sign shall be located so as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.
 2. Signs may not be located within the vision clearance areas, the triangular shaped areas located at the intersection of any combination of streets, alleys or driveways (as defined below). Nothing may be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sides of the triangle extend from the intersection of the pavement or other vehicle travel areas.
 - a. Required Vision Clearance Area distances

Visibility Requirement by Street Classification				
A Distance in Feet	Street Type	B Distance in Feet		
		Driveway	Local Street	Collector/Arterial
25	Driveway	25	30	100

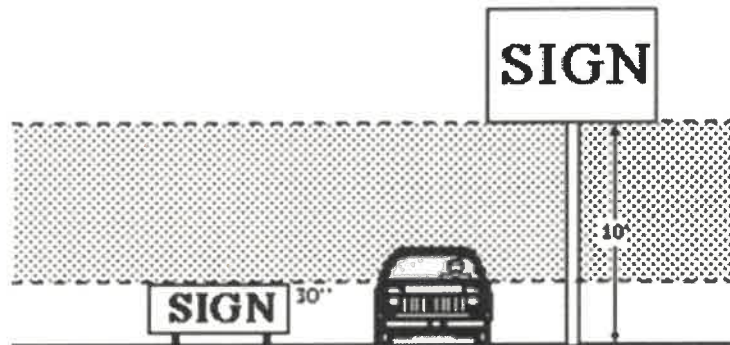
30	Local Street	25	30	100
100	Collector/Arterial	25	30	100

b. Vision Clearance Areas



3. Signs must be located to provide unobstructed visibility and shall not be located between the heights of two and one-half (2 1/2) feet and ten (10) feet from grade within the Vision Clearance Areas. Structures and supports must have a combined total width of 12 inches or less and the combined total depth of 12 inches or less.

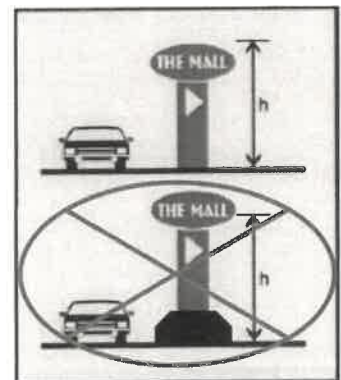
a. Vision Clearance Area Height



E. MEASUREMENT AND CALCULATION STANDARDS

1. SIGN HEIGHT

- a. The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign.
- b. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.



2. SIGN WIDTH

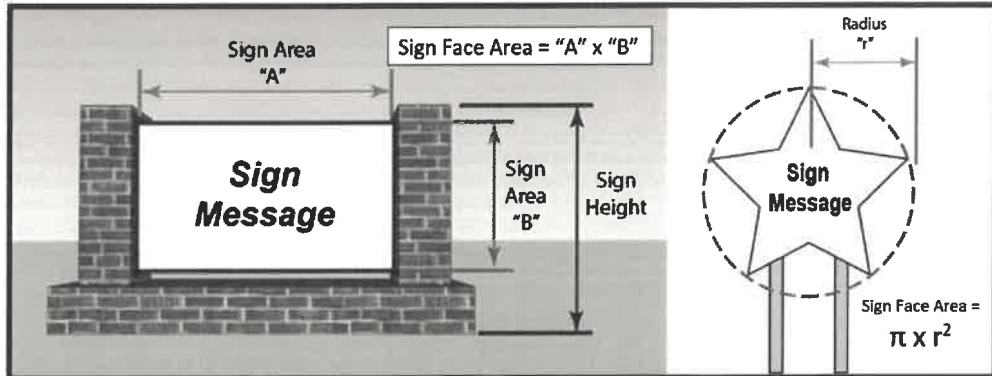
- a. The width of a sign shall be measured across the widest portion of a sign that runs parallel to the ground at the base of the sign.



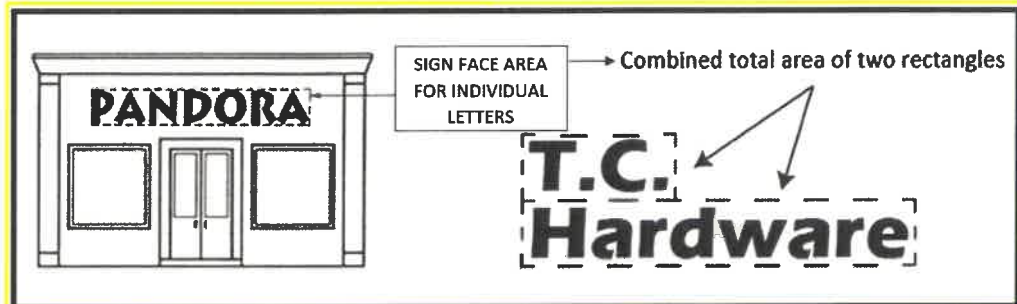
- b. The sign width shall include all structure elements of a sign (e.g., support posts, sign cabinet, etc.).

3. SIGN FACE AREA

- a. For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface.



- b. For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign.



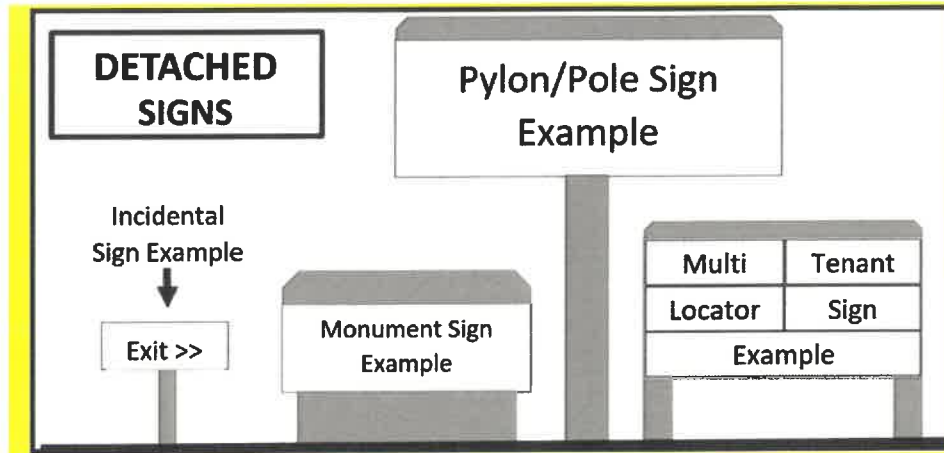
- c. The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Community Development Director.

F. SIGN TYPES

1. **DETACHED SIGNS** - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
 - a. **Monument Signs** - A sign mounted to the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign.
 - b. **Pole/Pylon Signs** - Any sign supported by a pole, or poles, and otherwise separated from the ground by air.
 - c. **Multi-tenant Locator Signs** - A single ground sign which identifies multiple businesses which are all tenants in a single structure, shopping center or complex.

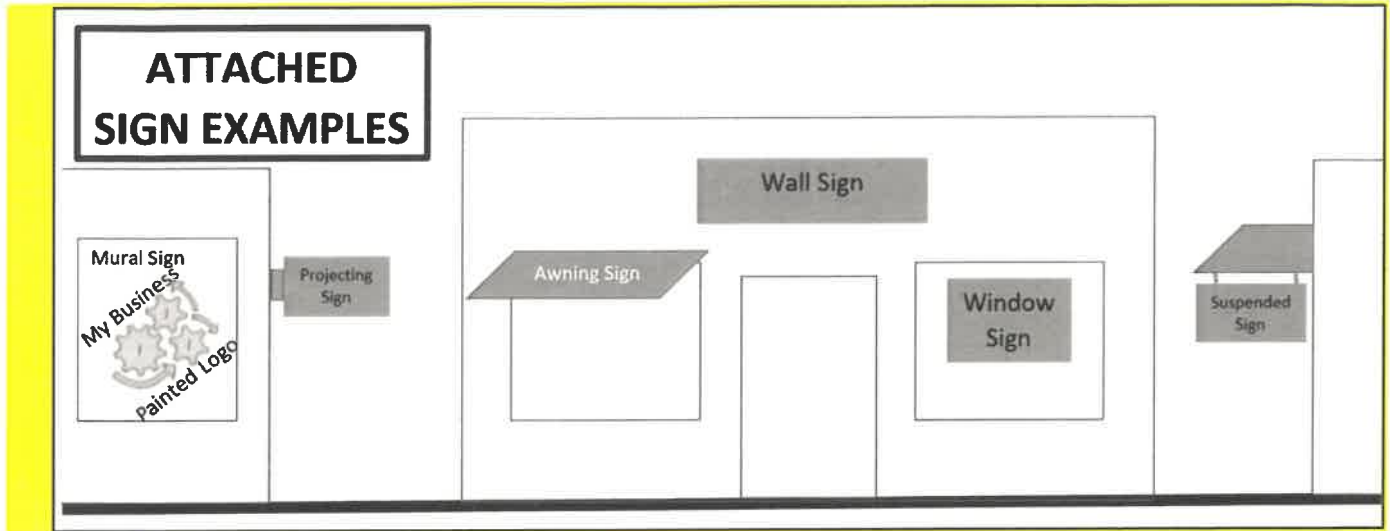
Must be located on the property that is being leased by the businesses who are displayed on the sign face unless otherwise allowed in this ordinance.

- d. **Incidental/Directional Signs** - A sign, generally informational, such as “no parking”, “entrance”, “exit”, “loading only”, “drive-through”, “menu boards”, and other similar directives. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.



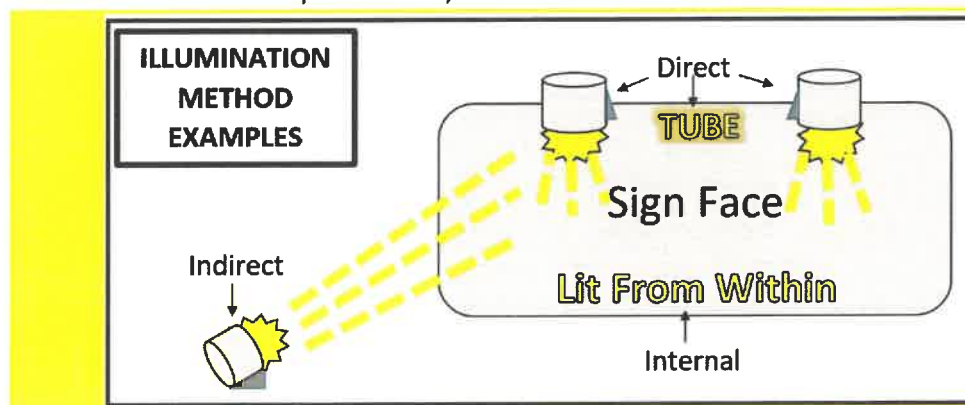
2. ATTACHED SIGNS

- Wall Signs** - A sign entirely affixed directly to the wall of a building or the slope of a mansard-type roof, and/or projecting to a point less than twelve (12) inches beyond the wall surface.
- Suspended/Hanging Signs** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.
- Projecting Signs** - Any sign affixed to any building or structure, extending beyond the building wall, structure, or building line by more than twelve (12) inches and no more than eighteen (18) inches. (For Local Downtown Historic District properties, refer to the Design Guidelines)
- Canopy/Awning Signs** - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- Marquee Signs** - A projecting sign which is attached to or hung from a canopy, or a covered structure projecting from or supported by a building, extending beyond the building line.
- Mural Signs** - A decoration or artwork painted on the exterior wall of a building which may be classified as a sign when it contains lettering, trade emblems or logos. When such items are incorporated, the sign specifications shall be as follows:
 - Lettering- shall be localized and the area measured to conform to the size limitations of this Ordinance.
 - Trade emblems and logos- the entire area of the mural shall be considered to be the sign face area and shall meet the size limitations contained in this Ordinance.
- Painted Wall Signs** - A sign that is not a mural, but which is painted directly on the surface of a structure.
- Window Signs** - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the right-of-way.



3. METHODS OF ILLUMINATION

- DIRECT** - Light sources, including spotlights and neon tubing, which is attached to the sign face or structure and directed toward the copy area.
- INDIRECT** - Light sources not attached to the sign structure or face area, but which are designed to be directed onto the sign face area.
- INTERNAL** - Light sources enclosed in a sign face.
- ELECTRIC MESSAGE CENTER** - Light sources arranged in rows, intended and designed to be individually and sequentially lit in such a manner to form letters and/or graphics which may blink on and off, travel, or flash. (See section 22.6 for further details and requirements.)



G. NON-CONFORMING SIGNS

- SIGNS ELIGIBLE TO BE CONSIDERED "LEGAL NON-CONFORMING"** - Any sign located within the city limits on the date of the adoption of this Ordinance or located in any area annexed to the City hereafter which does not conform to the provisions of this Ordinance, is eligible for characterization as a "Legal Non-Conforming" sign and is permitted, provided it meets the following requirements:
 - A permit had been issued for the construction of such sign prior to the date of the adoption of this Ordinance, if one was required under any other or prior city ordinance, or if no sign permit was required under any prior applicable City ordinances for the sign in question, the sign must have been in compliance with the prior applicable City ordinances as of the date of the adoption of this Ordinance.

- b. If a sign was in compliance with all applicable regulations and laws prior to being annexed into the City of Foley, but is either prohibited or fails to conform with the Zoning Ordinance after annexation, then such sign may be considered a legal non-conforming sign.
2. LOSS OF LEGAL NON-CONFORMING STATUS - A legal non-conforming sign shall immediately lose its legal non-conforming status upon the occurrence of one or more of the events listed in this Zoning Ordinance, pursuant to state law, or when there is a change in:
 - a. The type of use or occupancy type on the property on which the sign is located;
 - b. The location, size, height, or type of sign; or
 - c. The amount of frontage such that the existing sign would not be permitted by this Ordinance.
 - d. A sign, being a structure, is also subject to the provisions of section 6.2.2 of this ordinance in regard to a prohibition of restoration after damage greater than 50% of its current replacement value.

22.2 - PROHIBITED SIGNS

The following signs are prohibited in the City of Foley, and no permits for the construction of these signs will be issued, and all existing signs of this nature that are now in the corporate limits of the City of Foley or may hereafter come into the corporate limits of the City of Foley will either be classified as legal non-conforming or unlawful.

- A. Billboards, provided, however, the Planning Commission may, as part of its approval of the Master Signage Plan (MSP) for a PUD, PDD, or PID, grant one or more lots in the development the option to locate their ground sign(s) in specifically defined locations in a common area of that same PUD, PDD, or PID.
- B. Signs located in public areas or right-of-ways. With the exception of: Signs erected by or on behalf of the governmental entity responsible for maintenance and repair of said right-of-way, including signs posting legal notices, identifying public property, conveying public information, and signs directing or regulating pedestrian or vehicular traffic to businesses or other locations; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes, or facilities; and awnings, projecting and suspended signs which conform to the conditions of these regulations.
- C. Vehicle Signs: except those vehicles used in normal day-to-day operations of the business. Vehicles parked for more than three (3) consecutive days are not considered regularly used in the conduct of normal day-to-day business. Vehicle signs used in normal day-to-day business shall be parked to the rear or side of businesses when possible. When rear and side parking is not possible vehicles shall be parked at a minimum of 100 feet from all highways and expressways. No vehicle signs shall be parked in the City right-of-way, unless the business has no other parking areas on premise.
- D. Portable Signs: A moveable sign that is not permanently attached to either the ground or a structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A- or T- frames; menu and sandwich board signs; feather flags; pennants; handheld signs; caricature signs; inflatable's; umbrellas (used for advertising), except those permitted as Special Event Signs in 22.4 EXEMPT PERMIT SIGNS or those which may be allowed in an applicable Overlay District.
- E. Roof top signs.
- F. Beacons and Revolving signs.
- G. Flashing signs, traveling lights or intensely lighted signs.

22.3 - TEMPORARY SIGNS NOT REQUIRING PERMITS

The following temporary signs are allowed with the following conditions, and do not require a permit. This section specifically excludes Special Event Signs/Displays as described in 22.4 EXEMPT PERMIT SIGNS.

- A. Temporary signs shall not be illuminated.
- B. Drives or events of a civic, educational or religious nature are allowed to advertise for a period of two (2) weeks provided that:
 1. The sign is non-electric.
 2. The sign face must be less than thirty-two (32) square feet.
 3. They may be located on and/or off premise, provided it is not in the public right-of-way nor causing a traffic hazard (see 22.1 D - Visibility).
- C. New businesses in the City are allowed to advertise with a single sign for a period of (2) weeks provided that:
 1. The sign is non-electric.
 2. The sign face must not exceed thirty-two (32) square feet.
 3. The sign is located on premises and is not located in the public right-of-way nor causing a traffic hazard (see 22.1.D - Visibility).
- D. Real Estate Signs:
 1. Real Estate "For Sale" or Rental Signs (Residential):
 - a. Two (2) signs per property advertising the sale or rental are allowed on-premise and two (2) signs are allowed off-premise.
 - b. Must not exceed four (4) square feet of copy area per sign.
 - c. Such signs shall not be permitted for a period longer than thirty (30) days after closing the sale or rental of the property.
 2. On-Premise Real Estate "For Sale" or "For Rent" Signs (Commercial):
 - a. One (1) real estate "For Sale" or "For Rent" sign for commercially zoned properties is allowed for properties with up to 500 linear feet of frontage. An additional sign is allowed for each additional 500 feet of frontage.
 - b. Must be located entirely within the property.
 - c. Must not exceed thirty-two (32) square feet of copy area per sign.
 - d. Such sign(s) shall be removed within thirty (30) days of closing the sale or rental of the property.
 3. Off-Premise Real Estate "For Sale" or "For Rent Signs (Commercial):
 - a. One (1) sign advertising the selling or rental of such property is permitted
 - b. Must not exceed four (4) square feet of copy area.
 - c. Such sign shall be removed within thirty (30) days of closing the sale or rental of the property.
 4. Construction Signs:
 - a. Must not exceed thirty-two (32) square feet of sign face.
 - b. May be placed no sooner than actual demolition or construction activities begin and may continue until the permanent sign is erected or the certificate of occupancy is issued, whichever comes sooner.
 - c. Such sign shall not be located in the public right-of-way nor cause a traffic hazard (see 22.1.D - Visibility).
 5. Model Homes:
 - a. Temporary A-frame signs shall be allowed in residential zones only to be located on the lot of the model home during the business hours in which an agent(s) is present.
- E. Campaign or Election Signs are exempt provided that:

1. Signs advocating or opposing a public office or a position on an issue to be determined at an election shall not exceed twelve (12) square feet in residential districts. In all other zoned districts, signs shall not exceed thirty-two (32) square feet.
 2. Signs advocating or opposing a public office or position on an issue to be determined at an election shall be removed within ten (10) days after the election for which they were erected. In the event of a runoff election, signs may be displayed until the runoff election and then shall be removed within ten (10) days of the runoff election.
 3. Property owners shall be held responsible for violations of campaign and election signs.
 4. No signs shall be allowed in the public right-of-way, project into or overhang any right-of-way or be attached to any utility pole within the right-of-way.
- F. Decorative Displays
1. Single balloons under twenty-four (24) inches in circumference that do not contain copy are considered decorative.
 2. Flags that display seasonal, holiday, governmental and political displays are considered decorative.

22.4 - TEMPORARY SIGNS REQUIRING AN EXEMPT PERMIT

Temporary special use or event signs and displays are allowed but only under the following conditions and requirements:

- A. Special event signage and displays require an Exempt Permit (no fee required) found in the City's online permitting system under Planning & Zoning - Special Event Signs/Displays prior to the erection and placement of any such temporary sign or display. Such signs and displays shall be specifically described in writing as to their type and reason for special event.
 - a. Signs shall not exceed five (5) feet in height except for portable billboards.
 - b. Such signs shall not be illuminated.
 - c. For all lots containing multiple businesses, the property owner shall be responsible for all signage placed on the property, regardless of who erects the sign.
 - d. All such signs shall not be placed within ten (10) feet of the street right-of-way or in any other way as to obstruct the view of motorists or pedestrians.
 - e. An individual business shall be allowed a maximum of six (6) special event sign permits per calendar year, each of which shall be valid for four (4) consecutive days starting from the date of registration issuance or as noted on the registration.
- B. The following types of signs/displays which attract attention to a particular business may be registered as special event signs/displays:

SPECIAL EVENT SIGN / DISPLAY		
Sign Type	Quantity Allowed	Max Size Allowed
Balloons & Inflatables	1	20 ft in height from grade
Feather Flags	2	20 ft in height from grade
Pennants	2	???
Hand-held signs	1	6 sf sign face
Caricature signs	???	???
A or T frame signs	1	12 sf sign face
Menu/Sandwich Boards	1	12 sf sign face
Umbrellas	???	8 ft diameter
Banners	1	12 sf 30 sf sign face
Plastic/wire frame signs	1	12 sf sign face
Flags (not otherwise exempt)	1	15 sf
Portable Billboards	1	10'x13' or 130 sf

22.5 - SIGNS REQUIRING A PERMIT

A. **PLANNED DISTRICT SIGNAGE** - A Master Signage Plan (MSP) is designed to benefit the community in administering its sign regulations within a planned development and is required for the following zoning designations: Planned Unit Development (PUD), Planned Development District (PDD), and Planned Industrial District (PID). The Planning Commission will review the location, size, and other information to approve ground signs in common areas advertising specific businesses within a development. **The Planning Commission may also review and approve any unique requests for other signage in these zones.** The required information includes:

1. An accurate plot plan of the Development at a legible scale;
2. Location of signage for common areas, buildings, parking lots, driveways, amenities, landscaped areas and others;
3. An accurate indication of the proposed location of each present and future sign.
4. Size of the total Sign Face Area, the area of each individual sign, the height of the signs, an outline of the Sign Structure, **and any electronic signage being requested.**
5. **A detailed description of any relaxation or exception that is being requested from the sizes shown in the following charts.**
6. Documentation of who will be responsible for the maintenance and upkeep of the ground signs.

B. **RESIDENTIAL SIGNAGE**

1. The following Zones are considered “residential” for the purposes of these sign regulations: R-1R, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-4, GPH-1, TH-1, MH-1, **RV Park**, and residential areas of a PUD, PDD, or AO

RESIDENTIAL SIGNAGE ALLOWED								
Purpose	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Setback	Number Signs	Electronic allowed?
Primary Entrance Neighborhood Identification	Ground	50 sf	2	6 ft	Direct or Indirect		1 at Main entrance	no
Secondary Entrance Neighborhood Identification	Ground	32 sf	2	5-4 ft	Direct or Indirect	25-ft	1 per Secondary entrance	no
Home Occupation	Ground	4 sf	2	4 ft	PROHIBITED		1	no
Bed & Breakfast	Ground	4 sf	2	4 ft	Direct or Indirect		1 containing only name, street address, and occupancy info	no

C. COMMERCIAL/INDUSTRIAL SIGNAGE

- The following Zones are considered “commercial/industrial use” for the purposes of these sign regulations: B-1, B-1A, B-2, B-3, M-1, Commercial & Industrial areas of a PUD or PDD
- Painted Murals on the sides of buildings are allowed and are not considered to be a sign unless copy is included which advertises a business or service. If copy is included, this is a sign and must comply with this ordinance.
- If a business does not have a ground sign, the wall sign may be increased by the square footage of the allowed ground sign.
- Signs for free standing single tenant retail establishments in excess of 100,001 sf may increase by 10% for each additional 100,000 sf.
- Based on street frontage, the total sign face area (wall & ground) as determined by following Commercial charts below may be increased as follows:

SIGN FACE AREA BY STREET FRONTAGE					
FRONTAGE	200-400 ft	401-600 ft	601-800 ft	801-1000 ft	>1000 ft
Increase to Sign Face Area	10%	20%	30%	40%	50%

- The square footage of structures listed in the Purpose column of the chart below refers to the footprint of the ground foundation.

COMMERCIAL/INDUSTRIAL SIGNAGE ALLOWED (excluding B-1)							
Purpose	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Number Signs	Electronic allowed?
Free standing Single Tenant Structures <2,900 sf	Wall	80 sf	1	not to exceed highest roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
	Ground	120 sf	2	20 ft	Internal	1 per 500 ft of frontage	Yes, except Historic.
Free standing Single Tenant Structures 2,901 - 15,000 sf	Wall	80 sf	1	not to exceed highest roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
	Ground	160 sf	2	25 ft	Internal	1 per 500 ft of frontage	Yes, except Historic.
Free standing Single Tenant Structures 15,001 - 30,000 sf	Wall	200 sf	1	not to exceed highest roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
	Ground	200 sf	2	25 ft	Internal	1 per 500 ft of frontage	Yes, except Historic.
Free standing Single Tenant Structures 30,001 - 50,000 sf	Wall	200 sf	1	not to exceed highest roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
	Ground	210 sf	2	25 ft	Internal	1 per 500 ft of frontage	Yes, except Historic.
Free standing Single Tenant Structures 50,001 - 100,000 sf	Wall	220 sf	1	not to exceed highest roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
	Ground	220 sf	2	30 ft	Internal	1 per 500 ft of frontage	Yes, except Historic.
Building Front signs for Establishments in Multi-tenant Buildings (only allowed if store has frontage)	Wall or Projecting	Not covering more than 30% of store frontage	W: 1 P: 2	not to exceed roofline	Internal	1 per Facing Street/ Driveway	Yes, except Historic.
Multi-tenant Locator Signs ≤ 10,000 sf	Ground	100 sf ***	2	25 ft	Internal	1	Yes, except Historic.
Multi-tenant Locator Signs 10,001 - 30,000 sf	Ground	150 sf ***	2	30 ft	Internal	1 per Facing Street, total sign face area of all locator signs not to exceed 200 sf	Yes, except Historic.
Multi-tenant Locator Signs ≥ 30,001 sf	Ground	300 sf ***	2	35 ft	Internal	1 per Facing Street, total sign face area of all locator signs not to exceed 400 sf	Yes, except Historic.
Parking Lot Identification	Ground	32 sf	2	5 ft	Non-oscillating, concealed light source. (spotlight or floodlight prohibited)	1 per entrance	No

B-1 COMMERCIAL SIGNAGE ALLOWED							
Purpose	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Number Signs	Electronic allowed?
Business Identification	Ground	32 sf	2	5 ft	Direct, Indirect, or Internal	1 per facing street	no
Business Identification	Wall or Projecting	40 sf max - may not exceed 30% of the buildings frontage	W: 1 P: 2	W: 20 ft, or at Roofline, whichever is lower P: Min 9 ft above sidewalk	Direct, Indirect, or Internal	1 per facing street / driveway	no
Multi tenant Business Identification	Wall or Projecting	2 sf	1	W: 20 ft, or at Roofline, whichever is lower P: Min 9 ft above sidewalk	n/a	1 per tenant at the entrance of each tenants space	no
Parking Lot Identification	Ground	32 sf	2	5 ft	Non- oscillating, concealed light source. (spotlight or floodlight prohibited)	1 per entrance	no

D. OFFICE SIGNAGE

- The following Zones are considered “office use” for the purposes of these sign regulations: PO, and Office areas of a PUD or PDD

OFFICE SIGNAGE ALLOWED							
Purpose	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Number Signs	Electronic allowed?
Office Buildings ≤ 10,000 sf floor area	Ground	32 sf	2	5 ft	Direct, Indirect, or Internal	1 per Facing Street	no
Office Buildings ≤ 10,000 sf floor area	Wall or Projecting	32 sf	W: 1 P: 2	12 ft	Direct, Indirect, or Internal	1 per Facing Street/Driveway	no
Office Buildings ≥ 10,001 sf floor area	Ground	50 sf	2	9 ft	Direct, Indirect, or Internal	1 per Facing Street	no
Office Buildings ≥ 10,001 sf floor area	Wall or Projecting	32 sf	W: 1 P: 2	20 ft, or at Roofline, whichever is lower	Direct, Indirect, or Internal	1 per Facing Street/Driveway	no
Parking Lot Identification	Ground	32 sf	2	5 ft	Non- oscillating, concealed light source. (spotlight or floodlight prohibited)	1 per entrance to parking lot	no

E. OTHER SIGNAGE

OTHER SIGNAGE ALLOWED									
Zone	Purpose	Sign Type	Max Area per Face	# Faces	Max Height	Illumination	Setback	Number Signs	Electronic allowed?
OA	Identification	Ground	200 sf	2	25 ft	Indirect / Internal	25 ft	1 per entrance	yes
Promotional/Sponsorship materials within Park boundaries are exempt from the Sign Regulations									

22.6 - ELECTRONIC SIGN REGULATIONS

Electronic changeable copy (ECC) signs may be permitted as a detached freestanding or attached flat sign as follows:

- A. Not allowed in the City of Foley Historic Overlay District, regardless of zone.
- B. Allowed in zones: B1A, Extended Business District; B2, Neighborhood Business District; B3, Local Business District; M1, Light Industrial District; and Open Space/Preservation District.
- C. Allowed in the commercial or industrial portions of a Planned Zone (PID, Planned Industrial District; PUD, Planned Unit Development; or PDD, Planned Development District), when specifically included as a part of a Master Signage Plan (see section 22.5.D.1).
- D. The signs must meet all size and Vision Clearance Area requirements for the zoning and/or overlay district in which they are located.
- E. May not display messages that do not pertain to business conducted on the premises on which the sign is located, unless otherwise exempted or a public service announcement.
- F. Display of any message must be static. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.

G. DETACHED FREESTANDING ELECTRONIC SIGN REQUIREMENTS

- a. The ECC sign must be located on the site of the use identified or advertised by the sign.
- b. No more than one (1) ECC sign with a maximum of two (2) parallel sides is permitted per lot of record.
- c. Lots with multiple businesses shall be allowed one (1) detached freestanding ECC sign to service all businesses located on that lot.
- d. ECC signs may not display colors, words, or images that interfere with or mimic a traffic control signal or device. (ie. - "STOP", "GO", "DANGER", etc.).
- e. Sign display technology shall be programmed so that the message or image on the sign changes ~~Electronic changeable copy signs shall change~~ no more than one (1) time per ten (10) seconds.
- f. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, flashing, spinning, rotating, dissolving, or similar effects as part of the change.
- g. Detached ~~electronic changeable copy~~ ECC signs must form an integrated portion of an on-premises detached sign. The electronic changeable copy portion of the detached sign may be separated from the remainder of the sign. If the electronic message center portion of the sign is being utilized after sunset, the existing static portion of the sign must be functioning, illuminated, and readable.

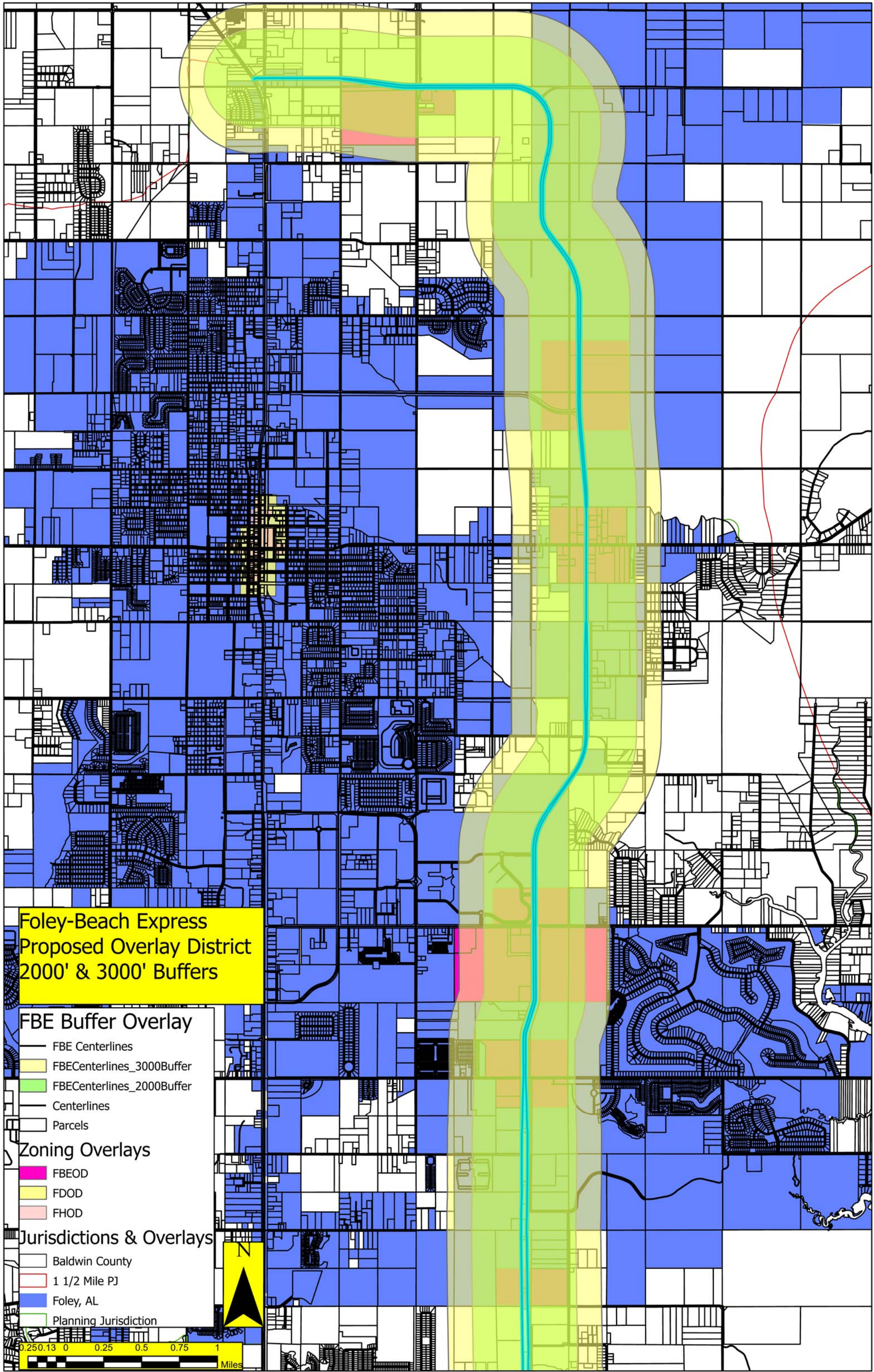
- h. The area of the ~~electronic changeable copy~~ ECC sign may comprise no more than fifty percent (50%) of the surface area of the allowable detached sign of which it is a part. Neither shall any portion of the ~~electronic changeable copy~~ ECC sign project above the height of the permanent detached signage. ~~Electronic changeable copy signs~~ ECC message centers are secondary to the permanent non-changeable portions of the sign and should be ~~designated~~ designed in this regard.
- i. An ~~electronic changeable copy~~ ECC sign shall be included in the calculation of the total permitted sign area of the detached sign of which it is a part.
- ~~j. The sign must have a light sensing/dimming device to control the maximum light intensity. The sign should be dimmed down 90% to a minimum 10% brightness at night. Electronic changeable copy signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level (10% of max brightness) for the time period between one-half hour before sunset and one-half hour after sunrise. In addition, it must also be able to respond to lighting level changes occurring due to atmospheric conditions.~~
- k. ~~Electronic changeable copy signs located within any residential district are allowed only for neighborhood identification signs and bed and breakfasts, as permitted by special exception.~~ The leading edge of an ~~electronic changeable copy~~ ECC sign located in any district must be a minimum distance of one hundred (100) feet from an abutting occupied single-family residential district boundary. An ~~electronic changeable copy~~ ECC sign may not face an abutting residential district.
- l. ~~Electronic changeable copy~~ ECC signs must be separated from other ~~electronic changeable copy~~ ECC signs by at least fifty (50) feet.
- m. All ~~electronic changeable copy~~ ECC signs will be maintained in proper working order.
 - i. If at any time the programming or technology that controls the brightness, time/date on message, or any other required visual display characteristic fails or malfunctions and is determined to be a hazard to the safety of the traveling public, the sign shall be immediately turned off, disconnected or disabled.
 - ii. Any dead zones or non-illuminated portions of the signs shall be replaced or repaired within fourteen (14) working days, or as soon as possible conditions allowing, or the use of the sign shall be discontinued.
- n. If at any time subsequent to the adoption of this Section of the Zoning Ordinance any portion of these regulations is deemed to be a safety hazard by the City of Foley, the City reserves the right to modify said regulations and all existing signs shall be modified to conform to the safety-related modifications.

H. ATTACHED FLAT ELECTRONIC SIGN REQUIREMENTS

- a. A maximum of one (1) ~~single sided attached~~ ECC wall sign is permitted for a site that does not contain any other ~~electronic changeable copy~~ ECC sign, detached or wall mounted.
- b. Such signs may not exceed thirty-two (32) square feet in area and will be counted toward the calculation for maximum signage for the building and must comply with all other applicable provisions of this ordinance.
- c. Wall mounted signs shall not be oriented toward adjacent residential uses.

22.7 - SIGNS LOCATED IN OVERLAY DISTRICTS

If a property is located within an overlay district, that Overlay District's specific signage rules and relaxations will override the rules stated within Article XXII in the event of a conflict.



Foley-Beach Express Proposed Overlay District 2000' & 3000' Buffers

- FBE Buffer Overlay**
 - FBE Centerlines
 - FBE Centerlines_3000Buffer
 - FBE Centerlines_2000Buffer
 - Centerlines
 - Parcels
- Zoning Overlays**
 - FBEOD
 - FDOD
 - FHOD
- Jurisdictions & Overlays**
 - Baldwin County
 - 1 1/2 Mile PJ
 - Foley, AL
 - Planning Jurisdiction

