



Ordinance 24-2035-ORD.  
An Ordinance Adopting Zoning Ordinance Amendments  
– Green Belt Zones

1<sup>st</sup> Reading – October 3, 2024

Public Hearing Advertisements

-Two Synopsis Ads in Foley Onlooker on October 16, 2024 and October  
23, 2024

Adopted November 4, 2024

***Effective: December 5, 2024***

Kathryn Taylor, MMC  
City Clerk



**Signature Copy**

407 E. Laurel Avenue  
Foley, AL. 36535

**Ordinance: 24-2035-ORD.**

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**File Number: 24-0598**

**Enactment Number: 24- 2035-ORD.**

**An Ordinance Adopting Zoning Ordinance Amendments - Greenbelt Zones**

WHEREAS, the City of Foley, Alabama, adopted Ordinance No. 387-87 on June 15, 1987, ordaining a new Zoning Ordinance and Zoning Map for the City of Foley which has subsequently been amended, and

WHEREAS, the City of Foley Planning Commission has recommended changes within the current Zoning Ordinance, and the City Council of the City of Foley deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance, and

WHEREAS, all requirements to the laws of the State of Alabama, with regard to the preparation of the report of the Foley Planning Commission and subsequent action of the City Council have been met,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA while in regular session accepted the following changes:

**Zoning Ordinance Proposed Amendment: Residential Development Greenbelt Zones**

**A. Intent:** The intent of this section aims to protect the community's health, safety, and welfare by establishing greenbelt zones in specific city areas.

**Objectives:**

1. Promote a Positive Community Image:
  - Encourage quality development.
  - Enhance property values.
  - Promote orderly growth and aesthetic quality.
2. Create a Safe, Healthy, and Natural Environment:
  - Protect and enhance vegetation for ecological health.
  - Ensure a sustainable living environment.
  - Provide safe travel experiences for pedestrians and drivers.
3. Specific Goals:

- Protection from Light Pollution: Minimize artificial lighting and glare in residential areas.
- Reduction of Noise Pollution: Implement natural and manmade sound barriers to reduce traffic and external noise.
- Enhancement of Visual Appeal: Develop diverse landscaping and greenbelts to improve residential areas and streetscapes.
- Safe Multi-Modal Travel System: Establish a safe multi-modal travel system on higher-volume roads at specific city locations.

**B. Greenbelt Zone Requirements:**

Location and Exceptions: Greenbelt zones, comprised of landscaping with trees, shrubs, and ground cover to effectively create a barrier, must be established along the frontage perimeter of proposed residential development sites that abut a collector or arterial roadway, as designated by the City of Foley Transportation Continuity Plan and its amendments (refer to attached map).

In mixed-use developments, downtown areas, planned developments, employment centers, and village centers as provided in the comprehensive plan, greenbelt zones may not be required if the Planning Commission determines that the site plan adequately integrates uses, connectivity and aligns with the intent of this section and goals of the Zoning Ordinance and Comprehensive Plan.

The Planning Commission reserves the right to require greenbelt zones when deemed necessary to protect the health, safety, and welfare of the community.

1. Minimum Greenbelt Zone Dimensions:

- a) A greenbelt zone of no less than 25 feet in width shall be provided and maintained under common area ownership for subdivisions and by owner when controlled by a single entity, beginning at the edge of the right-of-way line on private property. When a masonry wall, fence, or berm is provided, the greenbelt width may be reduced to 20 feet.
- b) This greenbelt zone shall be continuous, with the exception of curb cuts or entrance drives providing ingress and egress, or sidewalks or bike paths providing connectivity to the site.
- c) A vision clearance area must be maintained as provided in Illustration 1. (Attached)
- d) When a conflict occurs with any other regular or ordinance of the City, the more restrictive will prevail.

2. Greenbelt Specifications:

- a) Minimum required screening shall consist of a natural greenbelt utilizing existing vegetation, a structural planted greenbelt, or a combination thereof, whichever provides an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation that can reasonably be expected by the Planning Commission to create an opaque visual screen six (6) feet

high within two (2) growing seasons. Understory trees may be required between larger canopy trees to create diversity in scale and counteract gaps in density caused by streetlights, utilities, or driveway separation requirements. The minimum number of trees must be maintained.

b) Sidewalks, paths, lighting, and street furniture may be permitted as required by site conditions.

### 3. Fencing, Walls, and Berms:

#### a) Fencing or Walls:

i. Any fence or wall used to satisfy these regulations must be positioned inside the greenbelt zone at the rear of the zone and maintained under common area ownership to ensure a consistent and aesthetic appearance in maintenance, style, materials, and color.

ii. Walls shall be constructed using durable materials such as brick, stone, masonry, wood posts and planks, metal, or other approved fencing materials, or a combination thereof, as determined by the Planning Commission.

iii. Chain-link fencing with plastic, metal, or wooden slats is prohibited.

iv. Walls must be a minimum of 5 feet high and designed to avoid a repetitive monotonous appearance.

v. Fences and walls exceeding 100 linear feet must incorporate at least two of the following techniques to reduce visual monotony:

- § Changes in plane: Include a minimum one-foot depth offset for every 50 feet of wall.
- § Changes in height: Integrate wall inserts, decorative columns, or pilasters every 50 feet to provide architectural relief.
- § Changes in material and texture: Enhance aesthetic appeal by incorporating a mix of materials such as wood, metal, or stone with varied textures, like combining rough stone with smooth metal.

#### b) Berms:

i. Berms used to satisfy these regulations must be at least four (4) feet in height with a maximum slope of three to one (3:1). Berms exceeding six (6) feet in height shall have a maximum slope of four to one (4:1) measured from the exterior lot line. Berms should be landscaped and stabilized to prevent erosion.

### 4. Tree Selection and Placement:

a) Canopy trees: Must be planted at a spacing of 30 feet apart to provide seasonal shading and visual appeal.

b) Understory trees: Shall be planted in substitution for canopy shade trees where it has been demonstrated that overhead utility lines and fixtures would interfere with the normal maturing of canopy trees.

c) Evergreen Trees: Should be strategically placed where higher intensity impacts (e.g., terminating streets, high-volume intersections) from noise and glare occur to ensure effective noise reduction. In no case will the required trees be reduced without specific authorization from the Planning Commission.

d) Arrangement: Trees shall be arranged in staggered, multi-layered rows alternating between canopy, understory, and evergreen trees to form a dense, effective barrier throughout the year.

e) Canopy trees will not be located within:

- i. Twenty feet of a streetlight.
- ii. Ten feet of all utility mains, services, and appurtenances.
- iii. Ten feet of a fire hydrant, manhole, or sewer inlet.
- iv. Thirty feet of an intersection.
- v. An area blocking the view of traffic signs.
- vi. Ten feet of a driveway.

Note: Distance measurements must be from the trunk of the tree at ground level to the object.

#### 5. Shrubs and Ground Cover:

a) There shall be a minimum of one three-gallon shrub for every five feet of frontage area. The shrubs shall be located within the first 10 feet of the frontage area in the greenbelt zone.

b) Greenbelt zones shall be planted with a variety of trees, shrubs, grass, and other ground cover to create an attractive and effective barrier.

#### 6. Tree Specifications:

a) Canopy trees shall be at least three (3) inches or greater in caliper and ten (10) feet in height at planting.

b) Understory trees shall have an initial caliper diameter of at least one (1) inch and measure a minimum of five (5) feet in clear trunk.

c) Evergreen trees shall be at least three (3) inches in caliper and eight (8) feet in height at planting.

d) There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of frontage, fifty (50%) percent of which shall be shade trees.

e) Except under or within 25 feet of an overhead power line, small trees or ornamental trees may be approved by the Planning Commission.

**C. Landscape Plan Approval:**

All proposed greenbelt zones must have a detailed landscape plan approved by the Planning Commission before any development begins. The landscape plan must include the following elements:

1. Plant Selection and Placement:

- A detailed list of plant species, including trees, shrubs, ground covers, and grasses.
- A site plan indicating the specific location and spacing of all plantings to ensure effective noise and light greenbelting and aesthetic appeal.

Irrigation System:

- Specifications for an efficient irrigation system, including layout, type, and maintenance schedule.

**D. Greenbelt Zone to be shown on Plans and Plats:**

All greenbelts required by this Zoning Ordinance or provided by a development shall be delineated on site plans, development approval plans, and subdivision plats as greenbelts.

**E. Procedure, Installation, and Maintenance:**

These regulations ensure the efficient creation of the desired community environment, preventing costs to the developer for tree removal, replacement, or relocation, and preventing costs to the property owner or city for future maintenance or repair of avoidable damages. Greenbelts shall be provided in addition to other planting requirements mandated by other ordinances or regulations.

- The City will inspect on-site to affirm adherence to the approved landscape plan and must approve any alterations or departures from the originally approved plan.
- In the event of tree failure, replacement will be required.

Installation:

- All tree plantings shall be installed in accordance with American Standard for Nursery Stock (ANSI Z60.1) standards.
- Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to ensure a reasonable expectation of survivability.

Maintenance:

All maintenance of trees must be performed in accordance with the American National Standards Institute (ANSI) A300 Tree Care standards.

**F. Maintenance Responsibility:**

The responsibility for the maintenance within the common area greenbelt zones lies with the developer, homeowners' association, property owners' association, or any combination of common ownership entities. Regular maintenance must be conducted to ensure the health and effectiveness of the greenbelt zone. All maintenance of trees must be performed in accordance with the American National Standards Institute (ANSI) A300 Tree Care standards.

The City will inspect the locations and species variation on-site to affirm adherence to the approved landscape plan and must approve any alterations or departures from the originally approved plan prior to installation.

In the event of tree or planting failure within the greenbelt zone, replacement will be required.

**G. Tree Protection Measures during Construction:**

In an effort to protect trees during home construction, commercial development, and other land development activities after planting, the following tree protection measures are designed to ensure the health and preservation of trees and to minimize construction impacts on them.

A Tree Protection Zone (TPZ) must be established based on the size of the existing tree at a minimum of 2 feet per inch of Diameter at Breast Height (DBH). For example, a tree with a 3-inch DBH requires a TPZ with a radius of 6 feet from the base of the tree.

Tree Protection Measures:

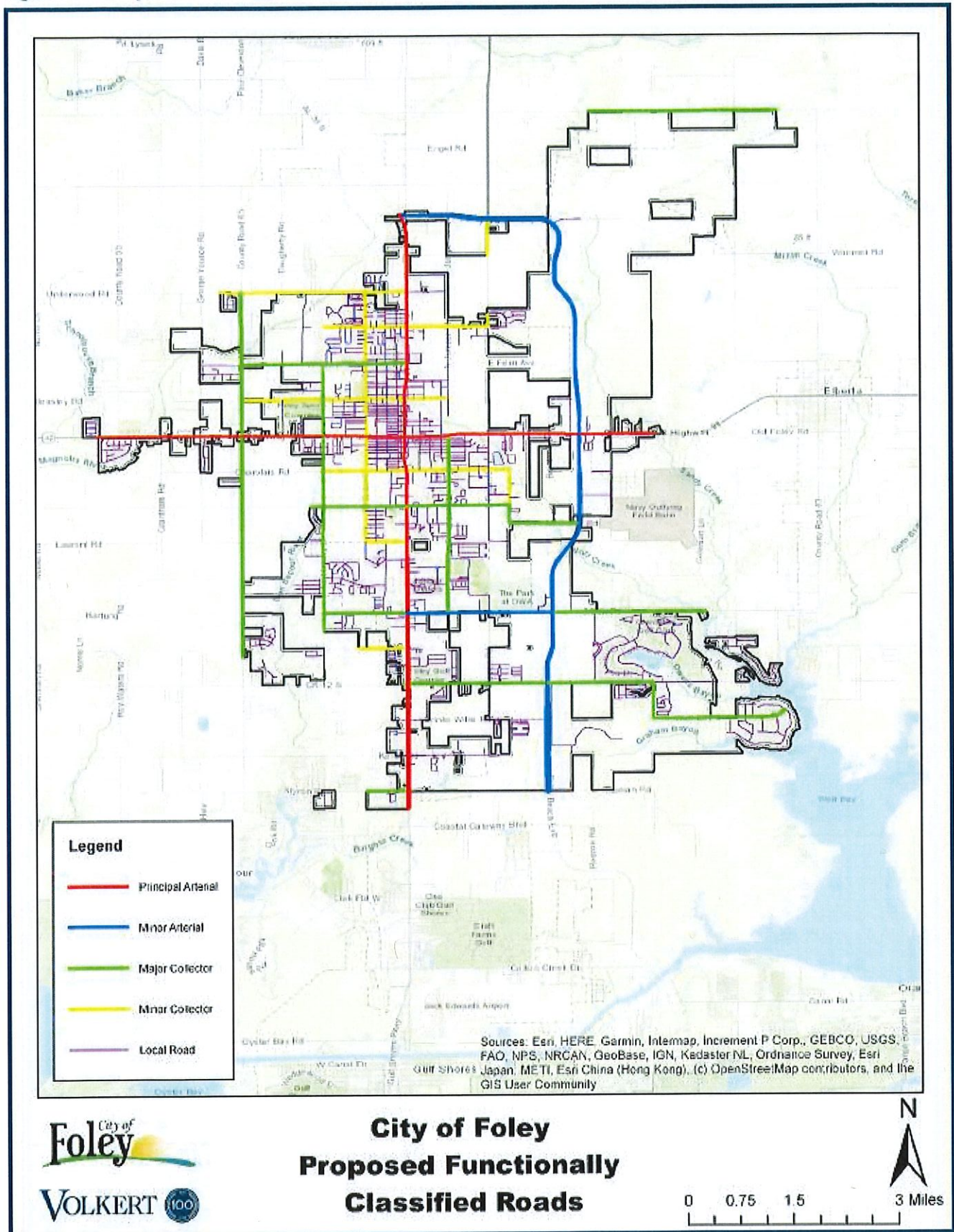
Fencing:

- TPZ fencing must be installed before construction begins and maintained throughout the construction period. Fencing must be located and placed so as not to harm the root system.
- Fencing must be highly visible, at least 4 feet high, and constructed of durable materials.
- Signage of 6 square feet shall be placed on the exterior of the fencing indicating the tree protection zone.
- The fencing should be placed at the edge of the TPZ and maintained throughout the duration of the construction or until a Certificate of Occupancy is issued.

**H. Enforcement:**

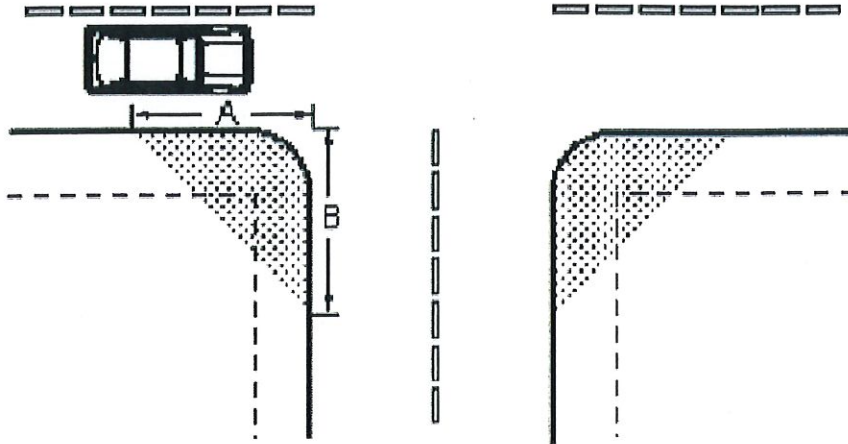
Removal or damage of plantings is considered a violation and may be remedied as provided by law, including but not limited to fines, stop work orders, or additional replanting.

Figure 5.1 – Proposed Functional Classification Network





**Vision Clearance Areas**



**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

This Ordinance shall become effective on December 5, 2024.

PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of November, 2024

President's Signature

*[Handwritten Signature]*

Date

11-4-24

ATTEST by City Clerk

*[Handwritten Signature]*

Date

11-4-24

Mayor's Signature

*[Handwritten Signature]*

Date

11-4-24

