



## City of Foley, AL

### Signature Copy

407 E. Laurel Avenue  
Foley, AL 36535

Ordinance: 25-2017-ORD

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**File Number: 25-0217**

**Enactment Number: 25-2017-ORD**

An Ordinance To Protect The Health, Safety, And General Welfare Of The People Of  
Foley, Alabama By Temporarily Suspending Consideration Or Approval Of Certain Types  
Of Residential Projects, Certain Types Of Residential Rezoning Requests, Certain Types Of  
Residential Site Plan Approvals, And Certain Types Of Residential Subdivisions By The  
City Of Foley And Its Planning Commission, And For Other Purposes

WHEREAS, the City of Foley and the City of Foley Planning Commission have adopted certain regulations, ordinances, codes, policies, and procedures which regulate the subdivision of land and the development and approval of various types of residential projects and developments; and

WHEREAS, there has been rapid, sustained, and substantial growth in residential housing units in and around the City of Foley; and

WHEREAS, the City Council recognizes, and hereby finds, that the rapid, sustained, and substantial growth in residential housing units and construction and has increased, and will continue to increase, the burdens on the City of Foley to provide municipal services, first responder services, infrastructure, transportation, parks, recreation, and other governmental services beyond what was anticipated by the City of Foley; and

WHEREAS, the City Council hereby finds that the quality of life for the community, and the health, safety, and general welfare of the community, will suffer if changes are not made to the City of Foley's regulations, codes, ordinances, policies and procedures pertaining to certain types of residential developments; and

WHEREAS, the City Council recently adopted and approved the 2025-2030 Strategic Plan which calls for the complete review of plans, requirements, and ordinances for development in the City of Foley by December of 2025; and

WHEREAS, the City Council hereby finds that, to preserve the health, safety and general welfare of the community, that certain changes to certain regulations, codes, ordinances, policies and procedures pertaining to residential development must be made to allow for more orderly development of future residential development projects; and

WHEREAS, the City Council hereby finds that amendments to the City of Foley's Subdivision Regulations, Comprehensive Plan, Future Land Use Map, Major Street Plan, Transportation Continuity Plan, Zoning Ordinance, Land Disturbance Ordinance, and other residential development-regulating codes, ordinances, regulations, policies and procedures must be considered and made to better address the residential growth in and around the City of Foley; and

WHEREAS, the City Council believes that a temporary suspension on consideration

and approval of certain types of residential development applications will allow the City's staff, the City Council, the Planning Commission, and the City's outside consultants to evaluate, recommend, and approve the changes that are needed to address the identified challenges; and

WHEREAS, the City Council has determined that a temporary suspension on consideration of certain types of residential development applications is necessary and appropriate to prevent conditions that may threaten the community's health, safety, and general welfare; and

WHEREAS, the City Council has determined that a temporary suspension on consideration of certain types of residential development applications is in the public interest and will better promote the orderly development of the City of Foley;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOLEY, ALABAMA, as follows:

**Section 1. Recitals.**

That the City Council hereby adopts the findings in the above recitals.

**Section 2. Purpose.**

That the City Council hereby declares it to be the purpose and intent of this Ordinance to enact a temporary suspension of consideration for each of the following types of applications, except as expressly allowed herein:

- A. residential developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings;
- B. mixed-use developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings;
- C. Planned Unit Developments, Planned Development Districts, or similar planned developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings;
- D. subdivision applications for land that would contain or result in the creation of three (3) or more residential lots;
- E. rezoning applications that would either create new residential zoning areas or increase the dwelling unit density of residentially zoned property, whether through traditional zoning or through Planned Developments or mixed use districts;
- F. site plan approval applications for residential developments of over three (3) residential lots or over three (3) dwelling units;
- G. approvals for new or expanded Recreational Vehicle (RV) Parks;
- H. approvals for new or expanded Mobile or Manufactured Dwelling Parks; and
- I. land disturbance permits for residential development of over three (3) residential lots or over three (3) dwelling units.

**Section 3. Temporary Suspension Established.**

3.1 October 1, 2025. For the purposes of evaluating transportation, infrastructure, storm water, municipal services, and other impacts and problems facing the City that may be caused



by or which could be exacerbated by additional residential development, and to allow for the analysis of and revisions to the City of Foley's Subdivision Regulations, Land Disturbance Ordinance, and other residential development-regulating codes, ordinances, regulations, policies and procedures, the City Council hereby temporarily suspends until October 1, 2025 any and all consideration of each of the following applications or requests (except as provided in Section 4 below):

- A. subdivision applications that would contain or result in the creation of three (3) or more residential lots;
- B. approvals for new or expanded Recreational Vehicle (RV) Parks;
- C. approvals for new or expanded Mobile or Manufactured Dwelling Parks; and
- D. land disturbance permits for residential development of over three (3) residential lots or over three (3) dwelling units.

3.2 January 1, 2026. For the purposes of evaluating transportation, infrastructure, storm water, municipal services, and other impacts and problems facing the City that may be caused by or which could be exacerbated by additional residential development, and to allow for the analysis of and revisions to the City of Foley's Comprehensive Plan, Future Land Use Map, Major Street Plan, Zoning Ordinance, and other residential development-regulating codes, ordinances, regulations, policies and procedures, the City Council hereby temporarily suspends until January 1, 2026 any and all consideration of each of the following applications or requests (except as provided in Section 4 below):

- A. residential developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings;
- B. mixed-use developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings;
- C. Planned Unit Developments, Planned Development Districts, or similar planned developments that contain one or more Duplexes, Two Family Dwellings, Townhouse, or Multi-Family Dwellings (including modifications for previously approved ones);
- D. rezoning applications that would either create new residential zoning areas or increase the dwelling unit density of residentially zoned property, whether through traditional zoning or through Planned Developments or mixed use districts; and
- E. site plan approval applications for residential developments of over three (3) residential lots or over three (3) dwelling units.

#### **Section 4. Exceptions and Exemptions.**

Notwithstanding the foregoing, this Ordinance shall not suspend or prevent consideration of applications for the following:

- A. Applications for multiple-occupancy residential development projects where a completed application was received prior to the effective date of this Ordinance;
- B. Applications for subdivisions or resubdivisions where a completed application for such subdivision or resubdivision approval was received prior to the effective date of this Ordinance;
- C. Developments that were already involved in written Development Agreement

negotiations with the City of Foley's legal counsel prior to the effective date of this Ordinance;

- D. Applications for residential development on a parcel of land in which the owner was vested with residential development rights prior to the effective date of this Ordinance;
- E. Applications for approval of subsequent phases of a multi-phase residential subdivision when the project is proceeding in substantial conformance with the previously approved subdivision phasing schedule;
- F. Applications for extensions of previous approvals without other modification;
- G. Applications for final subdivision plat approval where the preliminary plat approval was granted prior to the effective date of this ordinance and is still valid and binding; and
- H. Applications for developments that are located outside of the corporate limits of the City of Foley.

For purposes of the above, a "completed application" means a pending application in which all required fees have already been paid, and all required information and document submissions have been provided in complete and acceptable form. A "completed application" is one where no additional information, documents, or fees are needed before it can be acted on.

#### **Section 5. Waiver Requests, Appeals and Relief.**

A property owner or their designated agent may request a waiver from the provisions of this Ordinance by submitting a written request to the City Council. No waiver shall be granted unless the City Council finds by clear and convincing evidence supported by written findings of fact that all of the following conditions are met:

- 1. Exceptional Hardship: The applicant will suffer a unique, substantial, immediate, and material hardship that is not self-created and that cannot reasonably be mitigated without the requested waiver;
- 2. No Precedent or Circumvention: Granting the waiver will not create a precedent or result in circumvention of the purpose or intent of this Ordinance;
- 3. Consistency with Public Policy: The proposed development aligns with the spirit and objectives of the City's then currently adopted Strategic Plan, Comprehensive Plan, and other land use and development plans; and
- 4. Minimal Adverse Impact: The proposed development will not cause, contribute to, or exacerbate any negative impacts on adjacent properties, public infrastructure, or the general public interest. Waivers that are issued may impose additional conditions, limitations, and restrictions to ensure that the project causes no more than minimal adverse impacts.

#### **Section 6. Severability.**

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, then such provision shall be deemed severed and stricken, and the adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and

effect.

**Section 7. Effective Date.**

That this Ordinance shall become effective immediately upon its adoption and publication as required by law.



PASSED, APPROVED AND ADOPTED this 5th, day of May, 2025.

President Signature

*[Handwritten Signature]*

Date

5-5-25

Attest by City Clerk

*Kathryn Taylor*

Date

5-5-25

Mayor Signature

*[Handwritten Signature]*

Date

5/5/25