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General Policy Guidelines

4.1.4(a) **Mixed Use Development**

MU is a policy category designed to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Land uses found in this category include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential uses will most likely be medium, medium-high, or high density. Other types of uses may be appropriate if they can be successfully integrated with other uses.

The different land uses and sections of MU policy areas are functionally and physically integrated. In appropriate areas, horizontal and vertical integration can range from the turn of the century apartment above the butcher's shop to modern, multi-storied office and hotel towers connected by a retail concourse at the street level. Pedestrian connections, both at street level and above, and focal points such as landscaped open space and parks, art work, water features, and street level plazas are not merely amenities but a fundamental and necessary unifying component. This integration and pedestrian orientation is a major distinction between mixed-use areas and other policy categories.

Mixed-use areas should be developed in accordance with a coherent plan or overall working concept of the desired end. For each area zoned MU, the land use policy plan should give guidance to the types and scale of land use, appropriate ranges of intensity and, if needed in a particular application, general locations within the area where different types of development should be encouraged. Plans including an architectural and/or design review component, such as some type of historic or special district overlay, are appropriate to help ensure compatible development and protection of valuable existing resources.

Policy Application:

- Areas which have been rezoned from residential to non-residential but retain a significant concentration of residential uses are suitable for application of MU policy if the outlook for complete transition to commercial use is:
 - a. No longer desirable based upon sound planning principles;
 - b. Expected not to occur, or,
 - c. Reversing course.
- Areas where the transition from residential to non-residential use is well underway and expected to continue and which meet the principles established in this document for commercial development should not be zoned MU.
- Areas with a unique historical and architectural character may be zoned MU, provided the introduction of non-residential uses has started or would contribute to the stability of the areas.
- MU policy would be suitable for appropriate locations identified in the General Plan within the downtown area to encourage a blend of employment and residential opportunities.
- Access to MU areas should reflect the intensity of the MU development. Higher intensity mix-use areas should border or have good accessibility to arterial streets and be within one-quarter mile of regularly scheduled or planned mass transit service. In some instances, existing commercial development along older arterial streets may benefit from application of MU policy. The accessibility of higher intensity mixed-use areas should not be through a lower density policy area.
- MU policy may be appropriate in undeveloped or under developed areas where its application would be in keeping with sound planning principles.

- MU policy is not appropriate where existing commercial uses whose operations have significant adverse impact on residential uses are expected to remain throughout and even beyond the planning period.
- Proposals in MU Areas. In areas designated Mixed Use on the Structure Plan, residential, mixed use, and nonresidential development proposals other than civic and public benefit uses should meet all of the following criteria to be considered on their merits.
 1. Development exceeding three stories may only be appropriate along arterial streets and when it is in context with existing development; development exceeding six stories is inappropriate.
 2. If available, the proposed land use regulation is an optional TND type of regulation that allows low rise mixed residential or mixed use development. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which, ideally, there is no authority to grant a variance to. If TND regulations are not available, the proposal includes:
 - One of the following conventional zoning districts: RS5, RS3.75, R6, RM9-RM20, or MUN at any location, or RM40 or MUL only if the site fronts on an arterial street with 4 or more lanes, and
 - An accompanying Urban Design or Planned Unit Development overlay district or site plan, to assure appropriate design and that the type of development conforms with the intent for MU areas and the location in question.
 3. No special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

If the above criteria are not met, proposals for civic activities and low-rise public benefit uses may be considered on their merits.

4.1.4 (b) Downtown

Mixed Use Guidelines would reasonably permit rezoning of Downtown Foley for mixed use under the following provisions:

- Mixed use policy is suitable for appropriate locations identified within the downtown district to encourage a blend of employment and residential opportunities.
- Mixed use policy may be appropriate for areas experiencing market driven changes in use such as the decline in downtown retail occupancy due to the migration of retail to big box locations outside the town center.
- Mixed use policy may be appropriate in undeveloped or under developed areas where its application would be in keeping with sound planning principles.
- Higher intensity mixed use areas should boarder or have good accessibility to arterial streets and be within one-quarter mile of scheduled or planned mass transit service.

4.1.8 Sites and Areas with Historical Significance

Protection and preservation of historic features or structures should be encouraged. The following policies are recommended for areas and sites that are determined to be of historical significance.

- Property owners should be encouraged to preserve such buildings and structures in conjunction with any proposed development of the site and work closely with a locally empowered Historical Commission.

- Proposed developments in historical districts should be approved with cautious consideration for maintaining the historical context and integrity of the district.
- Formalization of a Historical District is recommended.
- Appointment of an empowered Historical Commission is recommended.

4.3.3

Retail Town Center/ Neighborhood Commercial (NC)

Town Center or Neighborhood Commercial is the Structure Plan classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood commercial is a “walk-to” area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. A NC area may consist of no more than a single-use or mixed-use “neighborhood-scale commercial” development on one corner of an important intersection within the neighborhood. Examples might include a barbershop or a mixed-use building with a small grocery store on the ground level and an office and/or apartment above. Or, it could be an area partially or completely surrounding and focused on a small open space area. Although neighborhood-scale commercial is scarce in modern times, the opportunity to walk five minutes to a corner store for a quart of milk and a newspaper presents residents with an alternative to driving or being driven everywhere for daily needs. Residential development in these areas generally consists of a mix of medium to high density single- and multi-family housing. The provision of higher density housing in a Neighborhood Commercial area allows for more “eyes on the street” to protect the activity center (street intersection or public space) it surrounds. If a neighborhood’s character is more of a Neighborhood Urban pattern rather than a Neighborhood General pattern, a Neighborhood Commercial might consist of more commercial or mixed-use development. All NC areas are intended to be integral elements of planning neighborhoods.

Application

Neighborhood Commercial is intended to apply to established areas that function, and are envisioned to continue functioning, as small mixed centers of activity for the neighborhoods they serve. NC is also intended for emerging and undeveloped areas that are planned to be future centers serving the neighborhood in which they are located.

Appropriate Land Uses

Generally appropriate activities in NC areas include single- and multi-family residential, public benefit activities and small scale office and commercial uses. Also conditionally appropriate as secondary uses subject to strict regulation, are small-scale non-nuisance type crafts and other “cottage” industrial uses. Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Structure Plan or a detailed neighborhood design plan are appropriate and to the extent possible, should be integrated into the overall open space system. Activities other than those already described, are not appropriate in NC areas and those that already exist are nonconforming.

Design Principles

A random development pattern is inappropriate in NC areas. The specific arrangement and interrelationship of activities by type intended within NC areas should be carefully articulated in detailed design plans prepared for these areas. General design principles are as follows.

- Neighborhood commercials do not always occur at the geographic center of the neighborhood. NC areas located at the edge of a neighborhood may actually serve two neighborhoods.
- Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.
- Building setbacks in these areas are shallow or non-existent. Again, the closer the buildings are to the street, in these areas, the more eyes there are for a neighborhood watch.
- In these areas, buildings are primarily alley-loaded with parking located to the rear or side of a building, not in front of it (except for on-street parking).
- Neighborhood Commercial areas may be located at street intersections or centered on a public space and/or a community building. A single neighborhood may have multiple Neighborhood Commercial areas.

Town Center Neighborhood Commercial :Option 2 (NC2)

General Characteristics and Intent

- The NC2 Structure Plan category is designed to accommodate uses that provide routinely needed goods and services.
- NC2 concentrations typically serve a customer base of about 2,500 to 20,000 people.
- The aggregate amount of commercial floor area intended in NC2 policy areas is from about 30,000 to about 100,000 square feet.

Application

- The site should be at the intersection of either an arterial or a collector street or two collector streets that are a focal point for neighborhood traffic.
- Clusters of NC2 uses should space themselves out in order to secure separate market areas. Typical spacing for NC2 clusters from one another or from larger scale retail policy areas is about three miles in lower density residential market areas and about one and a half miles in higher density areas. Under certain circumstances, market demand may be such that closer spacing of an NC2 cluster would be appropriate.

Appropriate Land Uses

Predominant uses in NC2 areas include smaller grocery stores, video rental stores, restaurants, dry cleaners, and convenience scale retail. Upper floor residential uses are also appropriate in buildings with ground floor commercial.

Design Principles

- Similar to a neighborhood, an NC2 area includes a wide range of building setbacks that are specific to building type and location.
- Although these areas typically are designed primarily for automobile access, some level of pedestrian access to and within individual developments should be provided in the design. At a minimum, this should include providing sidewalks. Safe crossing areas should be provided across parking lots through such means as markings, textured pavement, or other walkways.
- Ideally, these areas should redevelop over time to become more pedestrian-friendly centers, with buildings set close to the street with parking placed to the rear.
- Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.

4.4.4

Commercial Arterial Existing (CAE)-HWY 59

CA is a Structure Plan category designed to recognize existing areas of “strip commercial.” Strip commercial development is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections.

The intent of this policy category is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas into more pedestrian-friendly Community Center areas. Also, these areas preferably will also redevelop to a nodal pattern, with larger commercial concentrations at major intersections.

Commercial zoning between major intersections should not be intensified unless special circumstances apply, such as an existing pattern of intensive commercial zoning. If an applicant seeks to rezone to an intensive commercial zoning district such as CS at a location between major intersections, the applicant shall submit a) a market study demonstrating that there is a shortage of available CS zoned property within a 1.5 mile radius of the subject site and b) evidence that adjacent affordable housing will not be displaced or otherwise rendered unstable by the commercial expansion.

Arterial access is characteristic of CA areas.

Many older CA areas contain obsolete or marginal development and generally economically distressed conditions. Revitalization, improved design, and adaptive reuse of existing development is of particular importance in these areas. The long-term goal for existing CA areas is redevelopment into a more compact form, with community scale clusters at major intersections and mixed use, higher density residential (where higher density locations criteria can be met), RN, or RLC clusters in between.

Within CA areas, small to moderate-sized development is appropriate. Single commercial uses which take up large amounts of land may be appropriate at major intersections within CA areas.

Application

- Strip commercial is generally not considered a desirable development pattern. CA is meant to apply only to existing areas of strip commercial.
- Expansion is appropriate only to maintain the viability of existing businesses and to reconfigure the area into a more compact nodal form. Generally, the deepening of non-residential use to improve the function and enhance transition to a nodal pattern is encouraged, as long as the deepening does not encroach into residential areas that are intended to be conserved.
- CA policy should not be applied to small areas of existing or committed arterial commercial development that are not expected to urbanize during the planning period (areas not expected to urbanize during the planning period are designated IRU, Interim Rural).

Appropriate Land Uses

- The predominant uses found in CA areas are retail and office activities such as eating establishments; automobile sales, rental, and service; hotels and motels; and consumer services. Also found, to a lesser degree, are product assembly, distribution, and storage and residential uses.

Design Principles

Since CA areas are intended to redevelop into Community Center areas over time, the design principles for those areas should be consulted for the ultimate design of CA areas. However, it is likely that conventional suburban patterns, with parking in front of buildings, automobile-scaled signage, and multiple curb cuts will continue to be found.

The following design principles should be followed for conventional suburban development within CA areas.

- When buildings are set back from the street with parking in front, it is especially important to substantially landscape the parking lots, both along the perimeter and within the interior.
- Substantial landscaping should also be used at the interfaces with predominantly residential areas.
- Lighting should be directed away from residential areas.
- Although these areas typically are designed primarily for automobile access, some level of pedestrian access to and within individual developments should be provided in the design. At a minimum, this should include providing sidewalks. Safe crossing areas should be provided across parking lots through such means as markings, textured pavement, or other walkways.
- Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.

4.5.5(a) Open Space/ Public Benefit

Open space consists of a variety of large and small features. It includes parks, greenways, recreational fields, preserves and areas set aside for wildlife habitat. Also includes are swamps lakes, ponds, wetlands, streams, creeks and rivers.

Uses range from active and passive recreational activities, to preserves and land trusts, to civic use space which is open to the benefit and use of all citizens. Open spaces can be expansive in size or as small as a school playground.

Application

The Open Space structure plan is intended to apply to areas that are to be conserved and areas that are planned to be open space in the future.

Design Principles

- Preferably, open space areas are connected to form a local greenspace network.
- Open Space may occur along the edges of neighborhoods. Examples include neighborhood parks, greenways, and linear parks.
- Generous setbacks with landscaped buffers should be incorporated along the perimeter of open space. This is to minimize the impact of buildings and to provide for a transitional area from recreational to other activities.
- Open space should be accessible at highly visible locations
- Attempts should be made to ensure open space has access to a collector or higher order of street.
- Civic activities are encouraged

4.5.5(b) Areas With Sensitive Environmental Features

Areas Subject to Flooding

These policies are designed to encourage flood plain preservation and reduce pressure for modification and development of areas subject to flooding. The policies apply to the areas within all Structure Plan categories, except Natural Conservation (NCO),

Downtown Core (DC), Central Business District (CBD), and older traditional neighborhood areas that are subject to flooding.

Land Use

- Only low intensity, non-structural types of land uses are appropriate in areas subject to flooding.

Development Arrangement and Intensity

- Development should be clustered on the portion of the site that is not flood prone.
- In order to maintain water quality, facilitate flood control, and ensure public safety, the development potential for the flood prone portion of a site should be lower than it is for the developable portion of a site.

Natural Preservation

- In general, preservation of flood prone areas in their natural state is recommended.
- Disturbance and alteration is discouraged and should be kept to a minimum.

Areas With Other Environmentally Sensitive Natural Resources

These policies are designed to encourage preservation of areas with unstable soils, sensitive geological formations, rare species, and other sensitive natural features and reduce pressure for modification and development of these areas. The policies in this section apply to the areas within all Structure Plan categories except Natural Conservation, Downtown Core, Central Business District, and older developed traditional neighborhood development areas that have unstable soils, geological formations, rare species, or other natural features that can be a significant constraint to development.

Land Uses

- Structural land uses should be avoided in areas of unstable soils, geological formations, rare species, or other sensitive natural features.

Development Arrangement and Intensity

- Development should be clustered on the portion of the site that does not contain unstable soils, geological formations, rare species, or other sensitive natural features.

4.6 Community Commercial CC

Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services.

- Although many uses in CC areas have trade areas similar to those of RCC areas (radius of one to five miles), some of the less common large scale retail activities intended in CC areas may draw from a wider area (radius of eight to ten miles or more.).
- The aggregate amount of floor space appropriate in CC areas not at freeway interchanges is between 500,000 and 1,000,000 square feet for all non-residential activities. CC areas that are located at freeway interchanges may be larger to accommodate freeway-oriented uses.

- Accessibility to and within CC areas is of particular importance due to the concentration and high rates of traffic generated by the types of uses in these areas and the distance of some trips attracted to the areas. The limits of CC areas should be clearly established in advance using significant natural features or transitional land uses.

Application

- Super community retail centers serve populations that are generally larger than that of a single subarea. Therefore, the retail needs of adjoining subareas should be considered when planning this retail policy.
- Preferred locations are intersections of a six-lane and four-lane arterial street or at the interchange of a freeway and a four-or-more-lane arterial. An intersection of two four-lane arterials may be appropriate as a last resort in areas with a scarcity of preferred locations.
- Super community and regional retail activities may be combined by locating super community policy near regional activity centers.
- In general, CC policy should not be applied to locations needed for activity centers (RAC), major transportation, or industrial uses. However, where appropriate locations for CC policy are less available than industrial policy locations, application of CC policy should be favored.

Appropriate Land Uses

- Predominant CC uses include retail shops, consumer services, restaurants, and entertainment. CC areas located at highway interchanges also allow a limited amount of uses to serve travelers. CC areas may also include large, single specialized retail stores such as Home Depot that draw customers from a wider market. Also appropriate in CC areas are higher density residential uses and upper floor residential uses in buildings with ground floor commercial.

Design Principles

- A generalized design plan for CC areas should be provided in subarea plans to guide the development and arrangement of uses in and adjacent to these areas.
- While new designs in these typically suburban areas must accommodate parking and other automobile-oriented needs, they should also include strong pedestrian connections between uses that allow customers the choice of parking once and walking to various shops or to drive from shop to shop.
- When buildings are set back from the street with parking in front, it is especially important to substantially landscape the parking lots, both along the perimeter and within the interior.
- Substantial landscaping should also be used at the interfaces with predominately residential areas.
- Lighting should be directed away from residential areas.
- Ideally, these areas should redevelop over time to become more pedestrian-friendly centers, with buildings set close to the street with parking placed to the rear or provided in parking structures with commercial uses at the ground level.
- Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.

4.8

Industrial (I) **General Characteristics and Intent**

- IN is a Structure Plan area classification for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Large IN areas are elements of the community's structural framework; smaller ones are elements of planning neighborhoods.

Application

- IN is intended to apply to areas of existing predominantly industrial development that are expected to remain indefinitely, and to any areas planned for similar such activities.

Appropriate Land Uses

- Typical activities appropriate in IN areas include light to heavy "non-hazardous" manufacturing, storage, distribution, contractor businesses, and wholesaling. Uses that support the main activity are appropriate. Examples include administrative and storage functions, food service, and convenience services. Open space areas are appropriate as a support activity for workers and/or patrons of industrial activities and for transition and buffering. In general, mixed-use and permanent residential activities are not appropriate in IN areas. An exception may be the edge of an IN area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design.

Design Principles

IN areas can contain a wide variety of activities, some of which have the potential to adversely affect adjoining development, heightening the importance of design for these areas also. General design principles are as follows.

- Similar to a neighborhood, an IN area includes a wide range of building setbacks that are specific to building type and location.
- Some IN areas may include both alley-loaded and front-loaded building product.
- For IN areas that involve large campus-style sites, the layout of development, setbacks, and building orientation should be established in a master plan for the site. To the extent practical, such areas should be structured and designed to function like neighborhoods. Public spaces and/or buildings that serve the area and/or the general public, may become the focal point of the IN area.
- To the greatest extent possible, smaller IN areas imbedded within planning neighborhoods should be designed as integral components of the larger neighborhoods in which they are located.
- The interface of large IN areas should also be designed to the extent possible as an integral element of the surrounding area, rather than walled-off compounds isolated from adjoining neighborhoods.
- Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.

Industrial and Distribution (IND)

Description and Characteristics

- IND is a policy category designed to provide for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas.
- Good accessibility is essential for IND areas due to the high volumes of overall traffic generated by those uses and/or the high volumes of truck traffic they may generate.
- Like OC areas, IND areas may emerge as a collection of unrelated developments or as a single industrial park. Because industrial parks make more efficient use of scarce industrial sites, their development is preferred in IND areas, although it is expected that individual uses will likely develop within the industrial park.

Guidelines for Applying Industrial and Distribution (IND) Policy

- IND policy should be applied to both new and established areas of industrial and distribution development.
- Application of IND policy in close proximity to areas of existing or planned residential development should be done with great care. Natural features or land use transitions should be identified or developed to shield residential uses from the negative effects of industrial policy.
- IND policy should be provided in areas with good regional accessibility. Preferred locations are those along and directly accessible to arterial streets with at least four lanes which are at or in the vicinity of interchanges with freeways. IND policy may also be appropriate at locations not fronting directly on a major arterial, provided that access to the arterial is through a commercial or industrial policy area.
- IND policy should not be applied to locations needed during the planning period for a regional activity center or major transportation uses, because these uses are more difficult to locate than are IND activities.
- Industrial and distribution structures are usually single-story with a large building footprint. Sites that are fairly flat are preferred due to the lower site development costs.

Guidelines for Areas in Transition to IND

- In instances where a residential area is becoming industrial, IND development should proceed in a way which is sensitive to remaining short-term residential uses.
- The assembly of larger sites, especially where residential areas are transitioning to industrial, should be encouraged.

The transition should be gradual, with the sites with the best accessibility becoming industrial before sites in the interior of the area undergo transition.

4.6.3 General Policies for Residential Development

Residential uses typically comprise the largest single type of development in a community. The type and pattern of residential development, therefore, has a significant impact on the overall urban structure. An urban setting requires a diversity of housing options to accommodate the varying needs and lifestyles of different household types. At the same time, care must be taken to ensure compatibility with other land use types and among different housing types.

The delivery of many urban services is influenced to a great extent by the spatial pattern of residential development. In general, urban densities are preferred for new residential development as these densities allow for fiscally responsible service delivery. However, the carrying capacity of the land should be respected.

Ideally, residential development should occur as part of a complete neighborhood. Complete neighborhoods are often referred to as *Traditional Neighborhood Developments (TND's)*. Most TND's were built before the mid-1950 but some have been developed in recent years. A complete neighborhood is one that includes opportunities for living, shopping, social interaction and recreation within a walkable area. A walkable neighborhood is about a five-minute walk, or one-quarter of a mile, from its center to its edge. For market reasons, convenience commercial uses are unlikely to be found within all neighborhoods but are instead more likely to be found along corridors or at major intersections between residential areas. In addition, a complete neighborhood will contain a variety of housing types. The compatibility of this variety of housing types is ensured through good design.

In contrast, conventional residential areas generally feature the segregation of different housing types, although some mixture of single-family and duplex development is relatively common. These areas are usually quite large in their geographic extent, unlike the compact areas of traditional neighborhood development. Conventional suburban residential areas frequently have disconnected street networks with numerous cul-de-sacs. This pattern places a burden on the few streets that do connect and tends to result in traffic congestion on those streets.

The ideal of a complete neighborhood is not often achieved in areas of conventional development, where large contiguous areas of one housing type are common. A higher than typical level of completeness in these areas can be achieved through compact application of the various conventional residential policy categories, interconnected street networks, and the application of convenience and neighborhood scale retail policies at appropriate locations. The policies in this section are common to Residential Low Density, Residential Medium Density, Residential Medium-High Density.

Land Use

The primary land use in residential policy areas is permanent residential development.

Other Uses

Other uses generally found within or at the edge of residential areas include recreational, civic, and other community facility activities.

Infill Development

Most areas, even those that appear fully developed will have some pockets of vacant land. When these pockets are developed, the process is referred to as "infilling." In residential areas, the character of new infill development should be compatible with the character of the surrounding area. It is important that the design of infill development protect and enhance the neighborhood environment. Infill development should be designed so that building scale, massing height, and orientation to the street are in keeping with the scale, massing, height, and orientation to the street of the majority of buildings in the surrounding area unless the lot being developed is substantially larger than surrounding lots. In these cases a somewhat greater degree of design flexibility may be employed as long as the overall character of the streetscape in the area is preserved and enhanced.

Density

Most of the residential land use policy categories allow ranges of densities. Density, usually measured by dwelling units per acre, should apply to developments individually. In most cases, low densities in one area cannot be justified by applying high densities in another location. The converse is also true; high densities cannot be justified by assigning low densities elsewhere within the same policy classification area. In certain cases, however, residential infill development that is at a higher density than the policy category would normally allow is appropriate. Infill development within the density range of the next highest density policy category (i.e., Residential Medium Density range when in a Residential Low-Medium Density policy area) is appropriate where all of the following conditions are met:

- 1) The property is along an arterial or collector street that is served by transit; and
- 2) The property is a corner lot; and
- 3) A Planned Unit Development of Urban Design overlay must be used, and
- 4) There is no Detailed Neighborhood Design Plan, Urban Design Overlay, Redevelopment District, or Special Policy in place that would not support the proposal; and
- 5) For lots that are of comparable size to surrounding lots, the infill building must be of similar scale and massing to the majority of surrounding buildings. For lots that are larger than surrounding lots, the design of the infill building must be compatible with the surrounding buildings.

Non-residential Activities

Non-residential activities in a residential area should be roughly compatible in scale and intensity (building size, shape and footprint) to the residential uses in the area.

Housing Mix

A given city should incorporate a variety of housing choices to meet the increasingly diverse needs and preferences within each community. To provide market flexibility and afford the opportunity for a variety of housing choices, a mixture of single and multi-family housing types is generally appropriate.

Nonconforming Development

There may be existing nonresidential development within residential policy areas that does not conform to the policy. Expansion of such uses through changes in zoning is not recommended. Areas with nonconforming nonresidential uses are encouraged to redevelop in accordance with applicable policy whenever the nonconforming uses cease. Communities are sometimes confronted with proposals for adaptive reuse of areas where existing nonconforming nonresidential activities are no longer viable. For example, someone may propose to redevelop the site of an old service station in the midst of a residential area into a store. Such adaptive reuses should be considered on their merits provided:

- they would generate minimal non-local traffic and can be adequately served
- they would not increase the degree of nonconformity
- appropriate zoning can be applied that, in the course of accommodating the acceptable use, does not expose the adjoining area to the potential for incompatible land uses; and
- the proposed use is acceptable to the community

In the absence of acceptable adaptive reuses or zoning to accommodate them, areas that contain existing nonconforming uses that are no longer viable are recommended to revert to residential zoning and development in accordance with the applicable policy.

4.6.3(a) Residential Medium Density -RM

- RM is a Structure Plan category designed to accommodate residential development within a density range of about four to seven dwelling units per acre.
- Good accessibility is essential for development at the upper end of the density range.
- Development at the upper end of the density range is appropriate at locations along and in the vicinity of arterial and collector streets, provided the accessibility of sites is not through a lower density area. Development at the lower end of the range is appropriate at locations along and in the vicinity of arterial, collector, or local streets, provided the accessibility of sites is not through a lower density area.

Application

- RM policy should be applied to areas which are currently developed at about four to seven dwelling units per acre and to undeveloped or underdeveloped areas that are suitable for medium density policy.
- Predominantly developed areas designated RM should have character and discernible boundaries that distinguish them from the surrounding areas.
- Application of RM policy to underdeveloped areas should be in areas that are adjacent to existing development and are in the path of urban expansion and the extension of support services, particularly sewers and major transportation facilities.
- Areas designated RM should have direct or good indirect access to collector or arterial streets. Indirect access should not be through lower density policy areas.
- Areas designated RM should be convenient to neighborhood or community scale commercial centers and other community services.
- Isolated, undeveloped areas that are next to existing medium density residential uses and derive access through the residential area should be included in the area designated RM.
- RM policy should not be applied to locations needed during the planning period for higher density residential, commercial, or industrial uses.
- RM policy should not be applied to small pockets or clusters of medium density residential development that are in the midst of generally higher density areas and should, themselves, redevelop at higher densities.

Appropriate Land Uses

- A variety of housing types are appropriate in RM areas. The most common types include compact, single-family units; townhomes; and walk-up apartments.
- Civic and public benefit activities are appropriate within RM areas.
- Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Structure Plan are appropriate and to the extent possible, should be integrated into the overall open space system. The continuation of nonconforming activities is appropriate only at locations specified by a special policy. Activities other than those already described are not appropriate in RM areas. Nor are existing nonconforming uses that cannot be adequately buffered from surrounding development.

General Design Principles

- Building setbacks (the distance of a building from a property line) are typically deep.
- Civic activities are encouraged at prominent, highly visible locations.
- Development along the interface of adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.
- It is important that the street network have a high level of connectivity.

4.6.3(b) **Residential Medium High Density-RMH**

General Characteristics and Intent

- RMH is a Structure Plan category designed and intended for existing and future residential areas characterized by densities of about nine to fifteen dwelling units per acre.
- Good accessibility is essential for all RMH areas. All developments in RMH areas should have direct or good indirect access to a collector or arterial street. Indirect access should not be through lower density areas.
- Development at the upper end of the density range is appropriate at locations close to non-residential policy areas providing commercial services or employment opportunities.

Application

- RMH policy should be applied to residential areas which have already developed at densities of nine to fifteen units per acre, and to undeveloped and underdeveloped areas which are suitable for High density residential development.
- Predominantly developed areas designated RMH should have discernible boundaries that distinguish them from the surrounding areas.
- Application of RMH policy to provide opportunities for growth should always be in areas that are adjacent to existing development and are in the path of urban expansion and the extension of support services, particularly sewers and major transportation facilities.
- Areas designated RMH should have direct or good indirect access to a collector or arterial street. Indirect access to RMH areas should not be through lower density policy areas.
- Areas designated RMH should be close to community or super community scale commercial centers, employment centers, or major arterial streets.
- In the application of RMH policy, locations within about one-quarter of a mile of existing or planned scheduled mass transit service should be given preference over locations with no transit service.
- RMH policy is not appropriate in the interior of established lower density areas that are to be conserved.
- Isolated, undeveloped areas that are next to existing Medium-High density residential use and derive access through the residential area should be included in the area designated RMH.
- RMH policy should not be applied to locations needed during the planning period for commercial or industrial uses.

Appropriate Land Uses

- A variety of multi-family housing types are appropriate in RMH areas. The most common types include attached townhomes and walk-up apartments.
- Civic and public benefit activities are appropriate within RMH areas.
- Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Structure Plan are appropriate and to the extent possible, should be integrated into the overall space system. The continuation of nonconforming activities is appropriate only at locations specified by a special policy. Activities other than those already described are not appropriate in RMH areas. Nor are existing nonconforming uses that cannot be adequately buffered from surrounding development.

General Design Principles

- Civic activities are encouraged at prominent, highly visible locations.

- Development along the interface of adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.
- It is important that the street network have a high level of connectivity.

4.6.3(c) **Residential Low Density-RL**

General Characteristics and Intent

- RL is a Structure Plan category designed to accommodate residential development within a density range of about two to four dwelling units per acre.

Application

- RL policy should be applied to existing conventional suburban residential areas developed at densities of two to four dwelling units per acre and to underdeveloped and undeveloped areas suitable for development in that density range.
- Predominately developed areas designated RL should have a character and discernible boundaries that distinguish them from the surrounding areas.
- Application of RL policy to provide opportunities for growth should be in areas that are adjacent to existing development and are in the path of urban expansion and the extension of support services, particularly sewers and major transportation facilities.
- Generally, local and collector roads provide RL areas with adequate capacity for internal circulation and access to the major street system.
- Isolated, undeveloped areas that are next to existing Low density residential uses and drive primary access through the residential area should be included in the same designated RL.
- RL policy should not be applied to locations needed during the planning period for higher density residential, commercial, or industrial uses.
- In general, RL policy should not be applied in undeveloped areas suitable for urbanization in the following situations.
 - a. If the area is in the vicinity of intense, non-residential development;
 - b. Sites with highly accessible, competitive locations in the vicinity of major intersections, freeway and expressway interchanges, and areas with a high level of transit service; and
 - c. Areas along arterial streets in close proximity to major concentrations of retail development of employment opportunities.
- RL policy should not be applied to small pockets or clusters of Low density residential development that are in the midst of generally higher density areas and should, themselves, redevelop at higher densities.

Appropriate Land Uses

- The predominant development type in RL areas is single-family residential.
- Civic and public benefit activities are appropriate within RL areas.
- Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Structure Plan are appropriate and to the extent possible, should be integrated into the overall open space system. Continuation of nonconforming activities is appropriate only at locations specified by a special policy. Activities other than those already described are not appropriate in RL areas. Nor are existing nonconforming uses that cannot be adequately buffered from surrounding development.

General Design Principles

- Building setbacks (the distance of a building from a property line) are typically deep.
- Civic activities are encouraged at prominent, highly visible locations.
- Development along the interface of adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other.
- It is important that the street network have a high level of connectivity.

4.6.3(d) Rural Residential-RR

General Characteristics and Intent

- RR is a category designed for areas that are generally physically suitable for urban or suburban development but for which the community has chosen that they remain predominantly rural in character.

Application

- RR policy should be applied to rural areas that are generally physically suited for development but for which the choice has been made that they should remain rural in character. Because of the need to accommodate population growth in the county over time, these areas will be few in number, and should be areas where population increases are expected to be limited. Another reason that they will remain few in number is that the choice of a permanent rural environment is also provided in the NCO policy areas, which cover a substantial portion of the county's land area.
- Areas designated RR should be remote from services necessary to support urbanization, especially sewers that would be costly to provide and operate.
- Minimal accessibility is necessary to serve development in RR areas.

Appropriate Land Uses

- The predominant type of development in RR areas is low density residential that is rural in character. Agricultural uses and low intensity community facility uses are also found in RR areas.
- To preserve rural character and avoid the creation of expensive sprawl, residential densities should be one dwelling unit per two acres or lower. Slightly higher gross densities may be warranted when the development is clustered and a substantial portion of the site is preserved as open space.

Design Principles

- Development in RR areas should be clustered on a site to preserve the open nature of the rural environment and important features such as woodlands, hillsides, prime farmland, and viewsheds. Ideally, development will take the form of a rural hamlet or somewhat larger rural village.

4.6.3(e) Mixed Use-MU

Description and Characteristics

- MU is a policy category designed to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Land uses found in this category include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential uses will most likely be medium, medium-high, or high

density. Other types of uses may be appropriate if they can be successfully integrated with other uses.

- The different land uses and sections of MU policy areas are functionally and physically integrated. In appropriate areas, horizontal and vertical integration can range from the turn of the century apartment above the butcher's shop to modern, multi-storied office and hotel towers connected by a retail concourse at the street level. Pedestrian connections, both at street level and above, and focal points such as landscaped open space and parks, art work, water features, and street level plazas are not merely amenities but a fundamental and necessary unifying component. This integration and pedestrian orientation is a major distinction between mixed-use areas and other policy categories.
- Mixed-use areas should be developed in accordance with a coherent plan or overall working concept of the desired end. For each area zoned MU, the land use policy plan should give guidance to the types and scale of land use, appropriate ranges of intensity and, if needed in a particular application, general locations within the area where different types of development should be encouraged. Plans including an architectural and/or design review component, such as some type of historic or special district overlay, are appropriate to help ensure compatible development and protection of valuable existing resources.

Guidelines for Applying Mixed-Use (MU) Policy

- Areas which have been rezoned from residential to non-residential but retain a significant concentration of residential uses are suitable for application of MU policy if the outlook for complete transition to commercial use is:
 1. No longer desirable based upon sound planning principles;
 2. Expected not to occur, or,
 3. Reversing course.
- Areas where the transition from residential to non-residential use is well underway and expected to continue and which meet the principles established in this document for commercial development should not be zoned MU.
- Areas with a unique historical and architectural character may be zoned MU, provided the introduction of non-residential uses has started or would contribute to the stability of the areas.
- MU policy would be suitable for appropriate locations identified in the General Plan within the downtown area to encourage a blend of employment and residential opportunities.
- Access to MU areas should reflect the intensity of the MU development. Higher intensity mix-use areas should border or have good accessibility to arterial streets and be within one-quarter mile of regularly scheduled or planned mass transit service. In some instances, existing commercial development along older arterial streets may benefit from application of MU policy. The accessibility of higher intensity mixed-use areas should not be through a lower density policy area.
- MU policy may be appropriate in undeveloped or under developed areas where its application would be in keeping with sound planning principles.
- MU policy is not appropriate where existing commercial uses whose operations have significant adverse impact on residential uses are expected to remain throughout and even beyond the planning period.
- Proposals in MU Areas. In areas designated Mixed Use on the Structure Plan, residential, mixed use, and nonresidential development proposals other than civic and public benefit uses should meet all of the following criteria to be considered on their merits.
 1. Development exceeding three stories may only be appropriate along arterial streets and when it is in context with existing development;
 - development exceeding six stories is inappropriate.

2. If available, the proposed land use regulation is an optional TND type of regulation that allows low rise mixed residential or mixed use development. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which, ideally, there is no authority to grant a variance to. If TND regulations are not available, the proposal includes:

- One of the following conventional zoning districts: RS5, RS3.75, R6, RM9-RM20, or MUN at any location, or RM40 or MUL only if the site fronts on an arterial street with 4 or more lanes,
- and An accompanying Urban Design or Planned Unit Development overlay district or site plan, to assure appropriate design and that the type of development conforms with the intent for MU areas and the location in question.

3. No special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

If the above criteria are not met, proposals for civic activities and low-rise public benefit uses may be considered on their merits.

6.2

Mobility

General Accessibility

“Access” is the means by which a person or vehicle can get to and from a particular place, such as a building or a property. Access is an important consideration for both pedestrians and vehicles, including bicycles. Adequate and safe access for both pedestrians and vehicles needs to be insured through the design of a development.

The terms direct and indirect access are used in this document when dealing with vehicular access. An example of direct access is a building that has a driveway leading to a major street, alley, or other road that must be used to get from the driveway to a major street.

Access and Intensity

Areas of more intense development, such as commercial or mixed use, should be located in areas with the greatest accessibility and mobility options. This means that such uses should be located along major streets, such as arterials and key collectors and those streets that are in close proximity to them. Direct access to arterial streets needs to be limited by using methods such as shared driveways and medians in order to maintain the operational integrity, and optimize the capacity, of the roadway.

Access Policies for Local Streets

The purpose of local streets is to provide access to property in a manner suited to the type and density of development served.

- Local street networks should be designed with a high level of connectivity both within a development and to adjacent developments. Connectivity is an important means of preventing traffic congestion and providing people with adequate choices in reaching their destinations.

- Although connectivity is important, the layout of local residential streets should be designed to avoid direct through connections on local streets between higher order streets (collectors and arterials) that would result in “shortcut” routes. Non-local, through traffic is considered a harmful intrusion to residential areas and would cause destabilization and deterioration.
- Streets should be designed in a manner that is appropriate for the intended activity along them. This can be accomplished through such means as an interconnected street network that disperses traffic, avoiding excessively wide streets, and providing on-street parking.

History

The City of Foley's namesake is John B. Foley, a successful manufacturer from Chicago who traveled to Baldwin County in early 1902. Although he remained living in the North, Foley was heavily involved in the development of the community. He purchased 40,000 acres of timber land in what is now the City of Foley and formed the Magnolia Springs Land Company shortly after his first visit. By 1903, he began having roads surveyed and ultimately had over 100 miles of roadway built without governmental assistance.

Foley provided the ties for the Louisville and Nashville (L&N) Railroad to construct a branch line through the area in 1905. The branch line became very important to the fledging town, and to Baldwin County as a whole, by serving the logging operations and delivering agricultural products throughout the South. The region's mild climate and fertile soil are ideal for growing a variety of vegetables and fruits. In addition, many made a living from the production of turpentine. Acres of pine woods began to be developed at a steady pace by potential land owners that the L&N brought from the Midwest twice a month. The community of Foley soon had a post office, general store, a one-room school, blacksmith shop, and a newspaper plant which produced a weekly newspaper called *The Onlooker*.

The original L&N Railroad depot, constructed in 1905, was destroyed by a fire in December 1908. A larger depot was soon rebuilt and today serves as the Foley Archives and History Museum in the heart of downtown. Also in 1908, the Magnolia Hotel opened and became "a social center" with music provided by the innkeepers' daughter, according to Doris Rich's *When Foley Was Very Young (1900-1921)*.

The Town of Foley was incorporated on January 8, 1915. Around this time, John Foley made several more significant contributions by providing funding to construct the Foley High School, donating land for another school known as the Baldwin County Agricultural School, and installing a new \$40,000 electric plant. He continued his support to the town and area schools, civic organizations, and churches until his death in 1925.

Through hurricanes, a major fire in downtown, the stock market crash of 1929, and the Great Depression, the town remained and its economy continued to be largely based on farming and its L&N railroad branch. According to *Foley Steps Forward: An Anecdotal History since 1921*, there were three public initiatives in the 1930's that altered Foley's future economy providing for today's prosperity. The initiatives included the dredging of the Intracoastal Water in Gulf Shores as well as the donation and selling of land by George Meyer to the State for what would become Gulf State Park. The third public initiative that also greatly affected Foley was President Roosevelt's administration programs which included the creation of Fort Morgan Highway by the Works Progress Administration and bringing power to rural Baldwin County by the Rural Electrification Administration. More and more people became drawn to the Gulf Coast by this development and many of those found a home in Foley.

During World War II, the town benefited from a new Navy Auxiliary Field named Barin Field, which closed five years later in 1947. It was reopened again during the Korean War : 1952-1958. Through the 1960's and 1970's, south Baldwin County continued to attract people to its coastline not only for permanent residence, but also as a vacation destination. In 1977, Foley leaders adopted the slogan "The Forward City" as its fabric changed from primarily agricultural to more retail, service, and manufacturing oriented.

Although the Louisville & Nashville Railroad stopped running through Foley in 1971, today the City's economy is stronger than before with retail, tourism, and industrial development success. Residential growth has exploded in the past decade as more and more people are drawn to the coastal region. A Community Development Plan was completed in 1998 and updated in 2004 to assist in guiding development in the City's planning jurisdiction. With rapidly changing conditions underway, the citizens and community leaders now seek to update their Comprehensive Plan once again to encourage growth while at the same time maintain Foley's sense of place.

State of Alabama Code: Section 11-52-1

SOURCE: State of Alabama Code website:
<http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>

As Related to Municipal Planning

Definitions:

When used in this chapter, the following words or phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (1) MUNICIPALITY or MUNICIPAL. Cities or towns.
- (2) MAYOR. The chief executive of the municipality, whether the official designation of his office be mayor, city manager or otherwise.
- (3) COUNCIL. The chief legislative body of the municipality.
- (4) COUNTY COMMISSION. The chief administrative or legislative body of the county.
- (5) STREETS. Streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.
- (6) SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §786.)

Section 11-52-2

Adoption, amendment, execution, etc., of municipal plan and creation of municipal planning commission authorized; designations of planning commissions.

- (a) Any municipality is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this article and to create by ordinance a planning commission with the powers and duties herein set forth.
- (b) The planning commission of a city shall be designated city planning commission and the planning commission of a town, town planning commission, as its council may specify.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §787.)

Section 11-52-3

Municipal Planning Commission - Composition; qualifications, appointment, terms of office, compensation and removal of members; vacancies.

(a) The commission shall consist of nine members: The mayor, or his or her designee, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by the officer as the council may in the ordinance creating the commission designate as the appointing power; provided, that in any Class 1 municipality, the commission shall consist of 16 members: The mayor, one of the administrative officials of the municipality selected by the mayor, two members of the council to be selected by it as members ex officio, and 12 persons who shall be selected by the council. In the event the mayor designates a person to sit in his or her place on the municipal planning commission, the person so appointed shall serve during the term of the mayor, unless the original appointment shall be limited to a term certain of not less than 12 months at time of appointment.

In addition to regular members, the mayor and each of the council members of Class 1 municipalities serving on the commission may each appoint, from the administrative staff of the mayor and council exclusively, a supernumerary member who shall be authorized to be counted for the purpose of determining a quorum, and, while serving, to act with all of the power and authority of a regular member whenever such municipal official is not personally in attendance.

In addition to the regular members, in all cities having populations of not less than 175,000 nor more than 275,000, two supernumerary members shall be appointed to serve on the board at the call of the chair only in the absence of regular members, and while so serving, they shall have and exercise the power and authority of regular members.

(b) All members of the commission shall serve without compensation, and the appointed members shall hold no other municipal office, except, that one of the appointed members may be a member of the zoning board of adjustment or appeals, except in all cities having populations of not less than 175,000 nor more than 275,000, according to the most recent federal decennial census, wherein no member of the commission may be a member of the zoning board of adjustment or appeals and wherein all members of the commission shall be bona fide residents and qualified electors of such cities, except that the 12 appointed members of any commission elected by the council in Class 1 municipalities, under subsection (a) of this section, upon adoption of a resolution by the city council approving Acts 1994, No. 94-672, shall be paid twenty-five dollars (\$25) per meeting for each meeting of the commission attended by the members. No member shall be paid more than fifty dollars (\$50) in any one month, and any appointed member who is an elected official or an employee of the municipality shall not be eligible to receive the compensation.

(c) The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting the member.

The term of each appointed member shall be six years or until the successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years, provided, that in any city having a 16 member commission as provided in subsection (a) of this section, the respective terms of five pairs of the members first appointed by council shall be one, two, three, four, and five years, and provided further, that in all cities having populations of not less than 175,000 nor more than 275,000, the term of each appointed member of the commission shall be for three years.

(d) Members other than the member selected by the council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty or malfeasance in office, provided, that in any city having a 16 member commission, as provided in subsection (a) of this section, members may, after a public hearing, be removed by the council for any of the above reasons or for continued failure to attend meetings. The council may for like cause remove the member or members selected by it. The mayor or council, as the case may be, shall file a written statement of reasons for such removal.

(e) Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him or her, by the council in the case of the member, or other members selected by it and by the appointing power designated by the council in municipalities in which the mayor is not an elective officer.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §788; Acts 1955, No. 446, p. 1000; Acts 1965, No. 587, p. 1098; Acts 1966, Ex. Sess., No. 429, p. 573; Acts 1971, No. 663, p. 1371; Acts 1983, No. 83-437, p. 618; Acts 1983, No. 83-476, p. 668; Acts 1988, No. 88-215, p. 332; Acts 1994, No. 94-672, §1.)

Municipal Planning Commission - Chairman and other officers; meetings; adoption of rules of procedure; maintenance of record of resolutions, transactions, etc.

The commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of office of the chairman shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §789.)

Section 11-52-5

Municipal Planning Commission - Appointment, etc., of employees; contracts with consultants, etc.; expenditure of funds.

(a) The commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality.

The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require.

(b) The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council, which shall provide the funds, equipment and accommodations necessary for the commission's work.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §790.)

Municipal Planning Commission - Powers and duties generally.

(a) In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning or carry out the purposes of this chapter.

(b) The commission shall have power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine.

(c) Members of the commission, when duly authorized by the commission, may attend municipal planning conferences or meetings of municipal planning institutes or hearings upon pending municipal planning legislation, and the commission may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.

(d) The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof.

(e) It shall be part of the duties of the commission to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and with citizens with relation to the protecting or carrying out of the plan.

(f) The commission shall have the right to accept and use gifts for the exercise of its functions.

(g) All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work.

(h) The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §795.)

Section 11-52-7

Municipal Planning Commission - Powers as to zoning.

The commission shall have all powers heretofore granted by law to the zoning commission of the municipality and, from and after the creation of a planning commission in such municipality, all powers and records of the zoning commission shall be transferred to the planning commission; provided, that, in the event that the existing zoning commission shall be nearing the completion of its zoning plan, the council may, by resolution, postpone the said transfer of the zoning commission's powers until the completion of such zoning plan, but such postponement shall not exceed a period of six months.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §796.)

Section 11-52-8

Adoption, etc., of master plan for physical development of municipality by commission — Authorization and procedure generally; contents of plan.

It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality.

Such plan, with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways,

waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan.

The commission may from time to time amend, extend or add to the plan.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §791.)

Section 11-52-9

Adoption, etc., of master plan for physical development of municipality by commission - Conduct of surveys and studies; purpose of plan.

In the preparation of such plans the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §792.)

Section 11-52-10

Adoption, etc., of master plan for physical development of municipality by commission — Procedure for adoption, etc.

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan and may adopt any amendment or extension thereof or addition thereto.

Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which

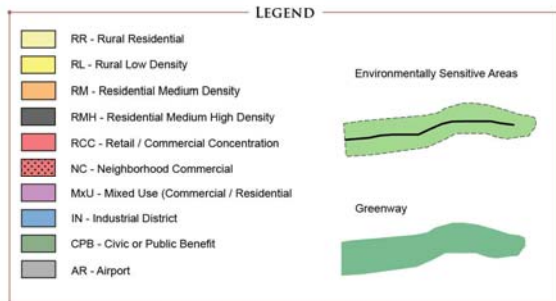
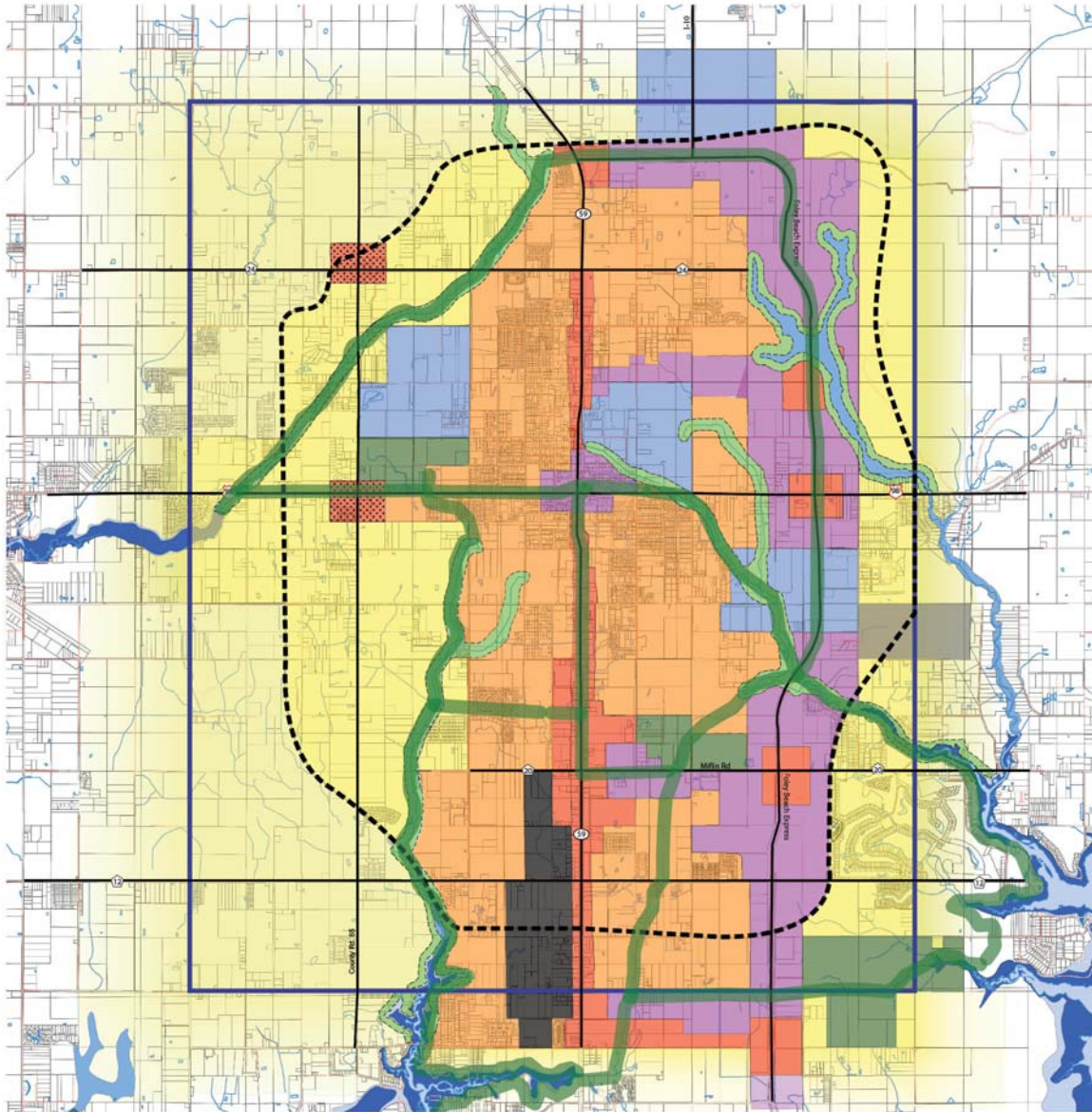
shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality; provided, that the planning commission may dispense with such public hearing prior to the approval or disapproval of a plan when the municipal governing body to whom the plan will be submitted will be required to hold a public hearing, and give notice thereof before the plan can be adopted by such municipality.

The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six members of the commission or, in any city having a 16-member planning commission as provided in subsection (a) of Section 11-52-3, by the affirmative votes of not less than 12 members of the commission. The resolution shall refer expressly to the maps and descriptive and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the governing body and to the county probate judge.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §793; Acts 1953, No. 857, p. 1147; Acts 1955, No. 428, p. 974.)

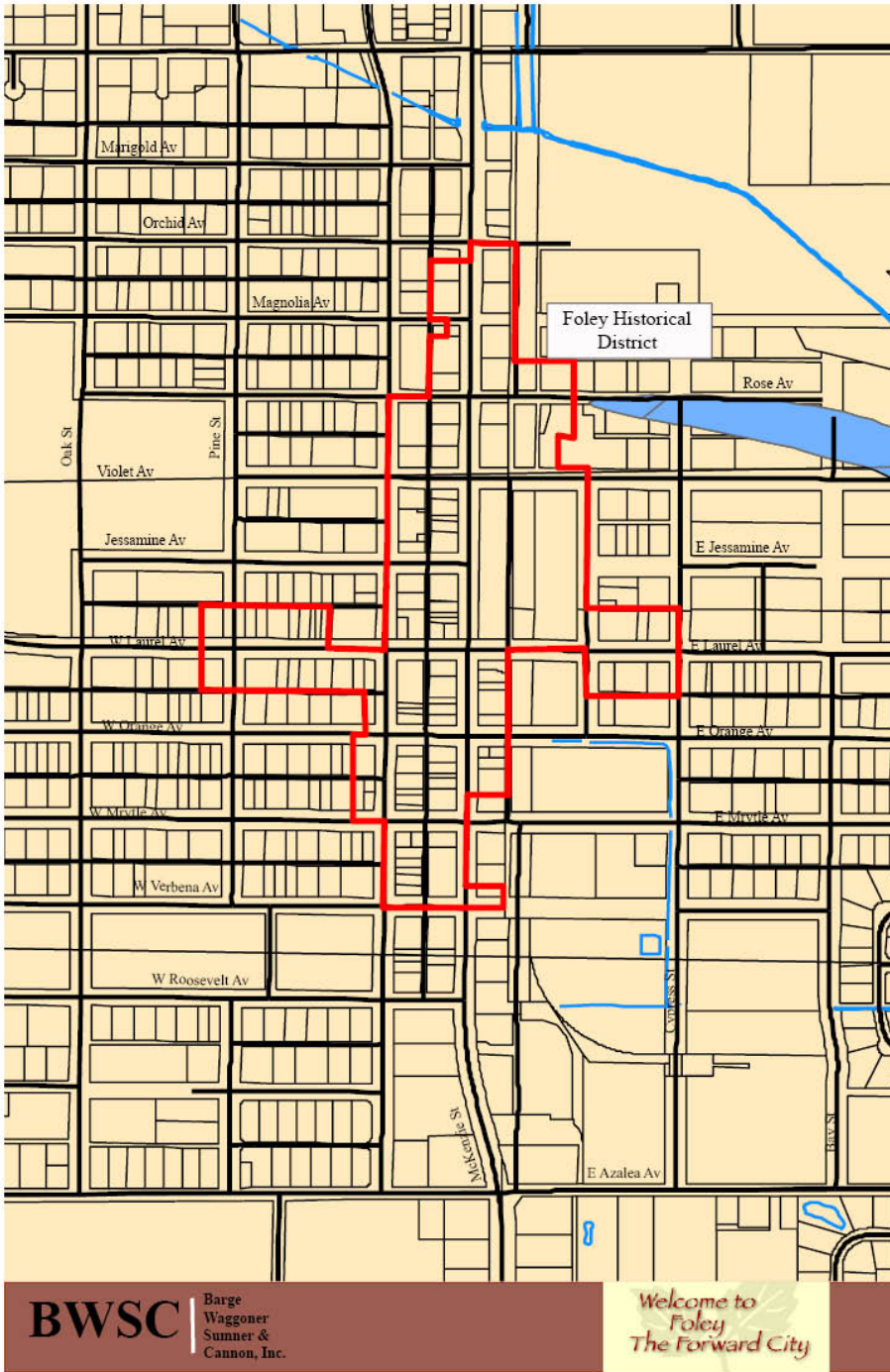
FUTURE LANDUSE MAP

STRUCTURE PLAN



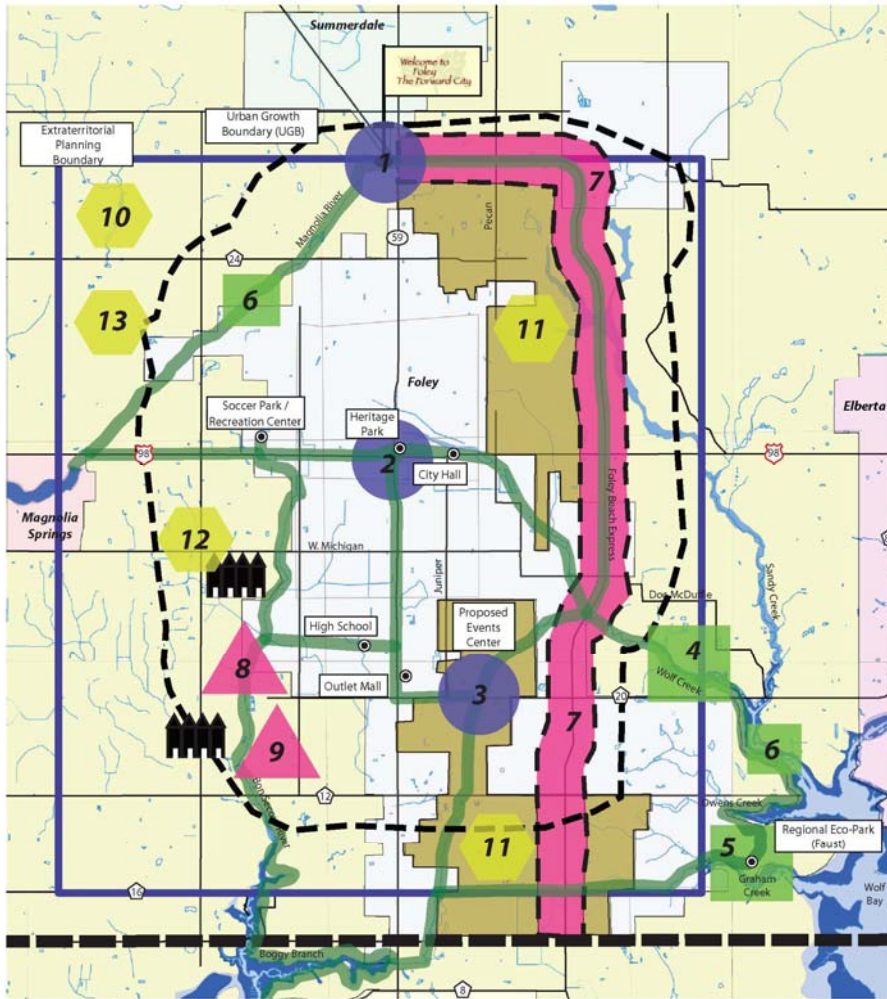
Downtown and Historic District

HISTORICAL DISTRICT



Visioning Map

CONCEPT & VISION PLAN



OVERALL PLAN GOALS

- | | | | |
|---|--|--|---|
| <p><i>"Sense of Place"</i></p> <ol style="list-style-type: none"> Promote a northern gateway. Protect & promote the historic downtown. Create a civic "critical mass" at Events Center location. | <p><i>"Protect the Environment"</i></p> <ol style="list-style-type: none"> Promote stormwater/watershed management regulations. Create a nature park and trail-head at Faust. Develop community greenway network. | <p><i>"Raise the Bar"</i></p> <ol style="list-style-type: none"> Create and adopt Expressway design standards. Create and adopt new subdivision regulations. Create and adopt new infrastructure standards. | <p><i>"Responsible Regionalism"</i></p> <ol style="list-style-type: none"> Develop and implement an Urban Growth Boundary (UGB) Pursue prioritized annexation of Expressway areas & keep the "Express" in the Expressway. Promote and adopt regional affordable housing strategy. Develop enhanced design standards for City's extrateritorial planning area. |
|---|--|--|---|

BWSC
BARGE
WAGGONER
SUMNER &
CANNON, INC.

Welcome to
Foley
The Forward City