

SECTION 1 INTENT AND PURPOSE

Subdivision 1: GENERAL PURPOSE

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, as amended, and for the purpose of:

1. promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the City of Foley;
2. protecting and preserving the physical character, social, and economic stability of residential, commercial, industrial and other use areas;
3. securing the most appropriate use of land;
4. preventing the overcrowding of the land and undue congestion of population;
5. providing adequate light, air and reasonable access;
6. facilitating adequate and economical provision of transportation, water supply and sewage disposal;
7. planning for location of schools, recreation facilities and other public requirements.

Subdivision 2: PURPOSE OF ADULT USE ZONING REGULATIONS

The purpose and intent of the adult use regulations set forth in this ordinance is to serve a substantial government interest by attempting to preserve the quality and vitality of neighborhoods, protect the aesthetic quality of residential and retail areas, protect retail trade, curtail the depression of property values, restrain increased criminal activity and slow the spread of sexually transmitted diseases. The protections to be afforded by this Ordinance are intended to

protect not only currently developed property, but also future development, which is planned within the City.

Adult Use Establishments, as defined by the Zoning Ordinance, because of their very nature, are recognized as having serious objectionable operational characteristics that have a deleterious effect upon the use and enjoyment of adjacent areas. These secondary effects are especially evident where such uses are concentrated. The secondary effects associated with adult uses include an increased level of criminal activity, increased risk of exposure to sexually transmitted diseases, depression of property values and a significant change in the character of surrounding neighborhoods.

However, it is recognized that such regulations cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. The adult use regulations set forth in the Zoning Ordinance represent a balancing of competing interests: reduction of objectionable secondary effects through the regulation of adult uses versus the protected rights of the owners, operators, performers and patrons of those adult use establishments.

One of the ordinance's objectives is to disperse the adult uses through separation requirements from other adult uses and from other significantly incompatible uses. The ordinance allows adult uses only in I-2 Planned Industrial Park Districts in the City; therefore, areas where adult uses will be permitted are located to provide opportunity for sites with good visibility and access to major streets, roads and highways. In addition, Benton County has provided numerous locations outside of the city that are available for such uses and which provide good visibility and access to major roads and highways.

Subdivision 3: ZONING ORDINANCE SCOPE

This Ordinance which shall be known and cited as the Foley Zoning Ordinance, an ordinance setting minimum and maximum standards for the height and size of buildings,

the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.