



City of Foley

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June 14, 2016

Mrs. Mosford
101 4th Ave. N
Foley, MN 56329

Hand Delivered.
NOTICE OF VIOLATION

Re: Compliance Order for 101 4th Ave. N

Dear Mrs. Mosford,

The City of Foley is aware that the Legion is attempting to allow customers to park on 101 4th Ave. N and has installed snow fencing to facilitate the parking. This violates City ordinances.

Section 7, Subdivision 3 (2) of the City's zoning code requires that all parking areas, "must be constructed of concrete, blacktop, or similar hard, durable and dust-free surface." The area be used at 101 4th Ave. N does not meet this requirement. Also, Section 6 Subdivision 2 of the zoning code requires a permit for any fence. No such permit has been issued. Further, Section 6 Subdivision 3 (10) of the zoning code prohibits snow fences between April 1 and November 1. Copies of the applicable ordinances are enclosed.

This violation must be fully remedied within 10 days of this letter. The City Council will be addressing this violation at its June 21, 2016 meeting.

City Administrator



Robert Barbian

SECTION 7 PARKING AND LOADING

Subdivision 1: PARKING SPACES.

The amount of required off-street parking for new uses or buildings and additions to existing buildings will be determined using the following table. The number of spaces specified below must be irrevocably reserved for parking purposes for the specified use.

1. Single family, two family and townhouse units. Two (2) spaces per Dwelling Unit.
2. Boarding house. At least two (2) parking spaces for each three (3) persons for whom accommodations are provided for sleeping.
3. Multiple family dwellings. Two (2) spaces per Dwelling Unit.
4. Motels, motor hotels, hotels. One (1) space per each rental unit plus one (1) additional space for each ten (10) units and one (1) space for each employee on any shift.
5. Church, theater, auditorium. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall.
6. Hospitals. Two (2) spaces per each bed.
7. Medical, dental or hospital outpatient clinics. One (1) space for each one hundred ten (110) square feet of net floor area or seven and one-half (7-½) spaces per doctor, whichever number of parking spaces is greater.
8. Rest home, nursing home or day nurseries. Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered.

9. Elderly (senior citizen) housing. One (1) space per unit.
10. Drive-in establishment and fast food. At least one (1) parking space for each thirty-five (35) square feet of gross floor area but not less than fifteen (15) spaces.
11. Office buildings and professional offices. One (1) space for each two hundred (200) square feet of floor area.
12. Bowling alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principle structure.
13. Motor fuel station. At least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service will be required to provide additional parking in compliance with other applicable sections of this Ordinance.
14. Retail store (including convenience stores) and service establishment. At least one (1) off-street parking space for each two hundred (200) square feet of floor area.
15. Retail sales and service business with fifty (50) percent of gross floor area devoted to storage, warehouses and/or industry. One (1) space for each two hundred (200) square feet devoted to public sales and/or service plus one (1) space for each two thousand (2000) square feet of storage area or one (1) space for each employee on the maximum shift which is appropriate.
16. Restaurants, cafes, private clubs serving food and/or drinks bars, taverns, nightclubs. At least one (1)

space for each sixty (60) square feet of gross floor area.

17. Funeral Homes. At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space may also be provided off the street for making up a funeral procession.
18. Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six (6) or less people, garden supply store, building material sales in structure. Eight (8) off-street parking spaces, plus one (1) additional space for each six hundred (600) square feet of space.
19. Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices. At least eight (8) spaces, plus one (1) space for each two (2) employees on each shift based on maximum planned employment or at a minimum one (1) space for each six hundred (600) square feet of floor area.
20. Car wash. (In addition to required magazine or stacking space.)
 - A. Automatic drive through, serviced. A minimum of ten (10) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.
 - B. Self-service. A minimum of two (2) spaces.
 - C. Motor fuel station car wash. Zero (0) in addition to that required for the station.

Subdivision 2: RULES FOR DETERMINING PARKING SPACES REQUIRED.

1. Rounding Up. When the determination of the number of required parking spaces results in a fractional space that fraction shall be rounded up to equal one (1) space.
2. Floor Area. In the case of offices, merchandising or service types of uses "floor area" means the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise.
3. Use Not Listed. Where a use is not specifically mentioned, off-street parking requirements are the same as for similar uses as determined by the Zoning Administrator.
4. On-Street Parking Not Included. On-street parking is not to be counted when calculating the off-street parking requirements in this Section.
5. "B-1" Central Business District. Off-street parking is not required within the "B-1" Central Business District.

Subdivision 3: OFF-STREET PARKING REQUIREMENTS.

In all districts where off-street parking is permitted or required, the off-street parking area must be constructed and maintained subject to the following regulations:

1. Adequate Ingress and Egress. All off-street parking areas must provide adequate ingress and egress to at least one public street.
2. Hard Surface Required. All off-street parking areas, including parking lots and driveways, must be constructed of concrete, blacktop, or a similar hard, durable and dust-free surface which must be designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways. Gravel and crushed granite type surfaces are

specifically prohibited. Crushed granite is allowed as an alternative to hard surface in noncustomer areas (excluding ingress and egress) of the Industrial Park District only which includes the area south of Highway 23 until the Burlington Railroad bed and west of Highway 25 within the city limits.

3. Setback From Adjoining Residential Uses. Whenever an off-street parking area boundary adjoins residentially zoned property, a setback of eight (8) feet from the lot line is required. This setback also applies to driveways to and from parking areas. The setback area must be a Greenbelt.
4. Curbing Required to Protect Adjoining Properties. Curbs or other protections against damage to adjoining properties, streets and sidewalks must be provided and maintained.
5. City Council Approval Required. Prior to starting construction on any off-street parking lot the plans must be approved by the City Council after review and recommendation of the Planning Commission.
6. Parking Space Size. Unless otherwise specified in this Ordinance, parking spaces must contain an area of at least two hundred (200) square feet and must be at least 10 x 20.
7. Industrial District - Front Yard Parking. Parking lots for automobiles and other motor vehicles are permitted in the front and side yards in Industrial Districts if screened by a Green Belt of at least eight (8) feet in width. Industrial Districts adjacent to residentially zoned property have a greater setback as established in specific district.
8. Dwelling Off-street Parking. Off-street parking facilities for residential dwellings must be provided and located on the same lot or parcel of land as the building they are intended to serve.

9. Non-Dwelling Off-Street Parking. Non-dwelling off-street parking spaces must be located within three hundred (300) feet of the building they are intended to serve, as measured from the nearest point of the off-street parking facilities and the nearest point of the structure.
10. Shared Parking Areas. Nothing in this Section should be construed to prevent shared off-street parking facilities for two (2) or more buildings; however, the total spaces must be equal to or greater than the sum of the requirements for the various individual uses.
11. Building Expansions Require Compliance with Parking Requirements. If a use requiring off-street parking is increased in floor area, and the use is located in a building existing on or before this Ordinance's effective date, additional parking space for the additional floor area must be provided as required by this Section.
12. Building Expansions Into Parking Areas. Nothing in this Section is intended to prevent the extension of or an addition to a building or structure into an existing parking area when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or is replaced by an additional area within three hundred (300) feet of the building.
13. Screening. Any off-street parking area containing five (5) or more parking spaces must be screened from any adjacent residential area by proper landscaping as approved by the City Council after review and recommendation of the Planning Commission.
14. Maintenance. All parking areas must be maintained in good condition without holes and free of all dust, trash and other debris.

15. Lighting. All parking area lighting must be directed away from adjacent property and must conform to the lighting requirements of this Ordinance.
16. Entrance/Exit Width. No entrance to or exit from a parking area may be more than thirty (30) feet in width. Except in an R-1 District, off-street parking areas must be designed so that vehicles are not required to back into the street or right-of-way.
17. Handicapped Parking. If required by the State Building Code, Handicapped parking must be provided according to State Building Code requirements and meet the requirements of Section 5 of this Ordinance.
18. Permits. When not provided for in a building or other permit, a person must obtain a driveway permit from the City to construct or alter any driveway or other off-street parking area.

Subdivision 4: LOADING AREAS.

1. Loading Spaces.
 - A. Loading space will not be construed as supplying off-street parking space.
 - B. For new construction occurring after the date of the adoption of this Ordinance, truck loading and receiving areas may not be on the front side of a building facing the street (this does not include truck entrances).
2. Loading Berths Required. Any structure, with a gross floor area of ten thousand (10,000) square feet or more, which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, must provide off-street loading meeting the following requirements:

<u>Gross Floor Area square feet</u>	<u>Minimum required loading berths</u>
10,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3
70,000 to 100,000	4
each additional 40,000	1 additional

3. Crushed Granite. Crushed granite is allowed as an alternative to hard surface in non-customer areas (excluding ingress and egress) of the Industrial Park District only which includes the area south of Highway 23 until the Burlington railroad bed and West of Highway 25 within the city limits.

Section 7, Subdivision 3, paragraph 2 and Subdivision 4, paragraph 3 of the Zoning Ordinance Number 319 was amended by Ordinance Number 399, adopted August 9, 2011 and published May 22, 2012.

SECTION 6 FENCES

Subdivision 1: PURPOSE.

The purpose of this Section is to regulate fences in the City, to prevent fences being erected that would be a hazard to the public, or an unreasonable interference with the use and enjoyment of neighboring property and are compatible with existing land uses and other zoning restrictions.

Subdivision 2: FENCE PERMIT

1. **Permit.** No person may construct, erect or cause to be constructed or erected any Fence within the City without first obtaining a Fence permit from the City Building Inspector.
2. **Application.** Every Fence permit application must contain a plot plan clearly describing the proposed Fence's type, location, construction materials, height, proximity to lot lines, anchoring methods and any other information the Building Inspector reasonably requires.
3. **Fee.** Each applicant must pay a Fence permit fee the City Council establishes by resolution.

Subdivision 3. FENCE REGULATIONS.

Fences are permitted in all yards, subject to the following:

1. **Residential Districts.**
 - A. **Height.** Fences may not exceed six (6) feet above adjacent-ground grade.
 - B. **Within Lot Boundaries.** Fences and all supporting structure must be completely within the boundaries of the owner's lot.

- C. Front Corner Fences. All Fences erected to the front of the front corner of a dwelling can be no more than forty-eight (48) inches in height for Open Fences and thirty (30) inches in height for Solid Fences.
 - D. Corner Lot Fences. Fences erected on a corner lot must have two fronts.
 - E. Property Line Setback. A Fence within two (2) feet of the property line will require the abutting neighbor's consent.
2. Corner Lot Limitations. No Fence, wall, structure, hedge, shrubs, trees or other obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, may be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of the lot lines. An object within this area not exceeding thirty (30") inches in height as measured from the centerline elevation of the street will not be considered as an obstruction to vision. Fences that will obstruct or impede the clear view of an intersection by approaching traffic may not be erected on corner lots. This paragraph does not apply to the "B-1" District.
3. Fence Face. The side of the fence considered to be the face (finished side as opposed to structural supports) must face abutting property. If located along a boundary between two properties, both sides must be equally attractive and well maintained.
4. Public Right-of-Way. Fences are not permitted on public right-of-way, or on boulevard areas without the City Council's prior written permission.
5. Fence Height Limits. No fence may exceed eight (8) feet in height and in the case of grade separation, the

height of a fence will be determined on the basis of measurement from the average point between the highest and lowest grade.

6. Fences on Property Line. A Fence may be erected on the property line upon mutual agreement in writing of both property owners.
7. Commercial and Industrial Districts. Fences in commercial or industrial districts may be erected on the lot line to the height of eight (8) feet with a security arm for barbed wire. Fencing on non-residential property required for screening exterior storage may exceed the limitations herein but only by a conditional use permit issued pursuant to Section 22.
8. Construction. Every Fence must be constructed in a substantial, workmanlike manner. All construction materials must be of high quality and new or like new, and must be reasonably suited for the purpose for which the Fence is proposed to be used.
9. Maintenance and Repair. All Fences must be maintained in a condition of reasonable repair and will not be allowed to become a nuisance, either public or private. Any Fence which is dangerous to the public safety, health, or welfare is a public nuisance and the City may commence proceedings for its abatement.
10. Prohibited Fences. Electric fences may not be used as boundary fences and materials such as hog wire fencing, barbed wire fencing or snow fencing will not be allowed, except snow stop fences will be allowed from November 1 through April 1 without a permit.

Subdivision 4. VIOLATIONS.

1. No existing Fence in violation of this Section may be replaced or rebuilt. If an existing Fence is replaced or rebuilt, it must come under this Section's regulations.

2. Violation of this Section may be enforced by injunction and the City will be entitled to the remedy of abatement in order that a Fence erected in violation of this Ordinance may be removed.

Subdivision 5. VARIANCE.

Any requested variance from this Section's requirements will be governed by Section 24 of this Ordinance.