

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 478

AN ORDINANCE AMENDING THE CITY OF FOLEY'S ZONING ORDINANCE
RELATING TO DEFINITIONS, SIGNS, LOT SIZE, GREENSPACE

WHEREAS, the City of Foley wishes to amend its Zoning Ordinance by making revisions to Sections 4, 8, 13 and 14 of the Zoning Ordinance; and

WHEREAS, the City of Foley issued a public hearing notice regarding this ordinance amendment and said public hearing was held on March 12, 2024.

NOW, THEREFORE, the City of Foley ordains as follows:

Section 1. The following additions shall be made to Section 4 of the City of Foley's Zoning Ordinance:

The zoning ordinance shall be revised with insertions depicted with underline:

Accessory Dwelling Unit (ADU). A dwelling unit that is secondary to a principal one-family dwelling, within or attached to the one-family dwelling or in a detached accessory building on the same zoning lot. All ADUs must meet the requirements of the Minnesota State Building Code. ADUs are allowed only in R-1 zoning districts and must comply with all accessory building requirements including setbacks, location, floor-area ratio, etc. Connection to city water and sewer services is also required and a maximum of one (1) ADU unit is allowed per lot.

Shipping Container. A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. The maximum dimensions allowed are twenty feet (20') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items. Shipping containers are prohibited in all residential zoning districts except when used on a temporary basis not to exceed six (6) months. A one-time extension may be allowed at the discretion of the zoning administrator. Shipping containers are allowed in commercial and industrial districts when used for storage purposes only. Shipping containers must comply with all accessory building zoning regulations included setbacks, location, floor-area ratio, etc. A maximum of one (1) shipping container per lot is allowed.

Section 2. The following additions shall be made to Section 8 of the City of Foley’s Zoning Ordinance:

The zoning ordinance shall be revised with insertions depicted with underline:

Subdivision 7: EXEMPTIONS FROM SIGN PERMIT.

The following signs shall not require either a sign permit or a temporary sign permit. However, all signs, except governmental or public signs, must comply with the provisions of this ordinance or any other law or ordinance regulating the sign, including size, area and location restrictions of the sign and the lot. A sign erected or placed pursuant to this subdivision which is not in compliance may be removed by the City without advance notice.

5. Governmental signs, including but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs. Governmental signs must provide a site plan with proposed installation to be approved by the Zoning Administrator prior to any installation.

Section 3. The following additions shall be made to Section 13 of the City of Foley’s Zoning Ordinance:

The zoning ordinance shall be revised with insertions depicted with underline:

Subdivision 5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Lot Area.
 - A. Single Family Dwelling. Lot area for lots with a single-family dwelling must be at least 8,000 square feet.
 - B. Two-family Dwelling. Lot area for lots with a two-family dwelling must be at least 11,000 square feet.
 - C. All lots must comply with floor-area ratio requirements.
 2. Lot Width. Lot width must be at least eighty (80) feet at the established building line.
 3. Lot Depth. Lot depth must be at least one hundred (100) feet.
- 1.Setbacks.

A. Front Yard Setback. The front yard setback for all structures must be at least thirty (30) feet.

B. Side Yard Setback.

1. Single and Two Family Structures. The side yard setback must be at least five (5) feet, except that the side yard setback on corner lots must be at least thirty (30) feet.
2. Multi-family and Other Uses. Multi-family and other uses, if approved, must have a side yard setback of at least ten (10) feet.
3. Accessory Buildings. Accessory Buildings must have a side yard setback of at least five (5) feet.

C. Rear Yard Setback.

1. Principal Structures. Principal structures must have a rear yard setback of at least thirty five (35) feet.
2. Accessory Buildings. Accessory Buildings must have a rear yard setback of at least five (5) feet.
3. Garages Facing Rear Lot Line. Garages with vehicle entrances facing the rear lot line must have a rear yard setback of at least twenty (20) feet.

D. Existing Lots. Notwithstanding anything in this Section apparently to the contrary, for Lots platted before this Ordinance's effective date, the setbacks will be as follows:

1. Front Yard = 20 feet
2. Side Yard = 5 feet

2. Building Height.

- A. Single and Two Family Dwellings. Single-family and two-family dwellings may not exceed thirty five (35) feet in height.
 - B. Other Principal Buildings. Principal buildings other than single and two family dwellings may not exceed forty (40) in height.
 - C. Accessory Buildings. Accessory Buildings may not exceed eighteen (18-25) feet in height (depending on lot size -refer to Subdivision 3 – Private Garages). Accessory Dwelling Units as defined in Section 4 are allowed to be thirty-five (35) feet in height but no taller than the principal structure.
- 3. Floor-area-ratio. The floor-area-ratio for single and two family dwellings may not exceed .30, which means not more than 30% of the lot area may be used for floor areas of all buildings on the lot. The floor-area-ratio for all other uses may not exceed .40, which means not more than 40% of the lot area may be used for floor areas of all buildings on the lot.
 - 4. Green Space. For buildings containing three (3) or more dwelling units there must be a minimum of two hundred (200) square feet of contiguous and useable green space per dwelling unit. Setback areas may not be counted toward the required green space.
 - 5. Exterior Finish. Corrugated sheet metal siding shall not be permitted.

Section 4. The following additions shall be made to Section 14 of the City of Foley’s Zoning Ordinance:

The zoning ordinance shall be revised with insertions depicted with underline:

Subdivision 5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Lot Area.

- A. Single Family Dwelling. Lot area for lots with a single-family dwelling must be at least 8,000 square feet.
- B. Two-family Dwelling. Lot area for lots with a two-family dwelling must be at least 11,000 square feet.

- C. Three-family Dwelling or more. Lot area for lots with a three-family Dwelling or more must be at least 15,000 square feet for the first 3 units and an additional 1,200 square feet for each unit after three (3).

 - D. All lots must comply with floor-area ratio requirements.
- 2. Lot Width. Lot width must be at least eighty (80) feet at the established building line.

 - 3. Lot Depth. Lot depth must be at least one hundred (100) feet.

 - 4. Setbacks.
 - A. Front Yard Setback. The front yard setback for all structures must be at least thirty (30) feet.

 - B. Side Yard Setback.
 - 1. Single and Two Family Structures. The side yard setback must be at least five (5) feet, except that the side yard setback on corner lots must be at least thirty (30) feet.

 - 2. Multi-family and Other Uses. Multi-family and other uses, if approved, must have a side yard setback of at least ten (10) feet.

 - 3. Accessory Buildings. Accessory Buildings must have a side yard setback of at least five (5) feet.

 - C. Rear Yard Setback.
 - 1. Principal Structures. Principal structures must have a rear yard setback of at least thirty five (35) feet.

 - 2. Accessory Buildings. Accessory Buildings must have a rear yard setback of at least five (5) feet.

3. Garages Facing Rear Lot Line. Garages with vehicle entrances facing the rear lot line must have a rear yard setback of at least twenty (20) feet.

- D. Existing Lots. Notwithstanding anything in this Section apparently to the contrary, for Lots platted before this Ordinance's effective date, the setbacks will be as follows:
 1. Front Yard = 20 feet
 2. Side Yard = 5 feet

5. Building Height.
 - A. Single and Two Family Dwellings. Single-family and two-family dwellings may not exceed thirty-five (35) feet in height.
 - B. Other Principal Buildings. Principal buildings other than single and two family dwellings may not exceed forty-five (45) feet in height.
 - C. Accessory Buildings. Accessory Buildings may not exceed eighteen (18-25) feet in height depending on lot size. (This is to match accessory building code changes made prior).

6. Floor-area-ratio. The floor-area-ratio for single and two family dwellings may not exceed .30, which means not more than 30% of the lot area may be used for floor areas of all buildings on the lot. The floor-area-ratio for all other uses may not exceed .40, which means not more than 40% of the lot area may be used for floor areas of all buildings on the lot.

7. Green Space. For buildings containing three (3) or more dwelling units there must be a minimum of two hundred (200) square feet of contiguous and useable green space per dwelling unit. Setback areas may not be counted toward the required green space.

8. Exterior Finish. Corrugated sheet metal siding shall not be permitted.

Section 3. Summary Publication.

At least four-fifths of the City Council's members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

**“AN ORDINANCE AMENDING THE CITY OF FOLEY’S ZONING ORDINANCE
RELATING TO DEFINITIONS, SIGNS, LOT SIZE, GREENSPACE”**

The ordinance amendment incorporates definitions for shipping containers and accessory dwelling units and also makes changes to signs, lot size and greenspace requirements.

Approved this 12th day of March, 2024.

ATTEST:

Jack M. Brosh, Mayor

Sarah A. Brunn, Administrator