

CHAPTER 156: ZONING

Section

General Provisions

- 156.01 Title
- 156.02 Purpose
- 156.03 Relation to Comprehensive Plan
- 156.04 Uses not provided for in zoning districts; prohibited
- 156.05 Rules and interpretations
- 156.06 Definitions

Zoning Districts and Maps

- 156.20 Districts established
- 156.21 Zoning Map; adopted by reference
- 156.22 Zoning district boundaries

District Regulations; Use Requirements and Restrictions

- 156.35 R-1, Single Family Residential Low Density District
- 156.36 R-2, One and Two Family Residential Medium Density District
- 156.37 R-3, Multiple Family Residential High Density District
- 156.38 B-1, Central Business District
- 156.39 B-2, General Business District
- 156.40 B-4, Business District
- 156.41 HG-1, Health Care and Government Building District
- 156.42 I-1, Light Industrial District
- 156.43 PUD, Planned Unit Development District

General Requirements

- 156.55 Lot area requirements
- 156.56 Yard requirements
- 156.57 Accessory buildings, structures, and uses
- 156.58 Home occupations
- 156.59 Residential fence regulations

- 156.60 Building size regulations
- 156.61 Height requirements
- 156.62 Development standards for residential structures
- 156.63 Farming operations
- 156.64 Solar Energy Systems

Off-Street Parking and Loading Requirements

- 156.75 Purpose
- 156.76 Space calculations
- 156.77 Building permit application; site plan required
- 156.78 Site design standards
- 156.79 Reduction of existing spaces restricted
- 156.80 Change of use or occupancy; parking requirements
- 156.81 Use of parking and loading space
- 156.82 Maintenance
- 156.83 Stall, aisle, and driveway design
- 156.84 Number of required spaces
- 156.85 Joint facilities; permit
- 156.86 Off-street loading; space requirements

General Development Standards

- 156.100 Purpose and application
- 156.101 Nuisance standards
- 156.102 Storage standards
- 156.103 Visual standards; screening
- 156.104 Roadside standards; setbacks and signs
- 156.105 Maintenance standards
- 156.106 Drainage standards
- 156.107 Traffic control; driveway location
- 156.108 Inoperative motor vehicles
- 156.109 Hazardous elements standards
- 156.110 Feed lots; livestock pollution
- 156.111 Demolition; solid waste removal
- 156.112 Mining, sand, and gravel extraction; permit
- 156.113 Land reclamation standards
- 156.114 Landscaping
- 156.115 Sewage disposal
- 156.116 Existing nonconforming uses and structures; restrictions
- 156.117 Existing farming operations; restrictions

Signs and Billboards

- 156.130 Definitions
- 156.131 Sign permit required
- 156.132 Signs permitted without permit
- 156.133 Non-billboard signs permitted with a permit
- 156.134 Home occupation signs; permit
- 156.135 Billboards in B-1 and B-2 districts
- 156.136 Existing nonconforming signs; restrictions
- 156.137 Removal of signs
- 156.138 Variances
- 156.139 Violation
- 156.140 Injunctive relief
- 156.141 Signs permitted with a temporary sign permit

Adult Oriented Business and Adult Uses Business

- 156.145 Definitions
- 156.146 Adult use zoning prohibitions

Zoning Amendments and Conditional Use Permits

- 156.150 Application procedure
- 156.151 Permit conditions
- 156.152 Permit expiration and extension
- 156.153 Performance bond
- 156.154 Amendments; initiation

Variances and Appeals

- 156.165 Board of Adjustments and Appeals; authority and duties
- 156.166 Finding of fact
- 156.167 Conditions for granting variances
- 156.168 Application procedure
- 156.169 Expiration and extension
- 156.170 Performance bond

Administration and Enforcement

- 156.180 Administrative officer; duties
- 156.181 Building permits
- 156.182 Administrative fees
- 156.183 Environmental Review Program; purpose
- 156.184 Violation

156.185 Injunctive relief

156.186 Interim use permits

Adult Use Cannabis and Cannabis Business and Cultivation

156.200 Purpose and intent

156.201 Authority to adopt this ordinance

156.202 Procedures, process and complaints

156.203 Requirements for cannabis business

156.204 Zoning and land usage

156.205 Odor Management of cannabis facilities

156.206 Zoning design standards for specific zones and uses for cannabis and cannabis related business

156.207 Site requirements for cannabis

156.208 Hours of operation

156.209 Advertising

156.210 Sale of low-potency hemp edibles

156.211 Sales of adult-use cannabis

156.212 Individuals

156.213 Local government as a cannabis retailer

156.214 Use in public places

156.215 Temporary cannabis events

156.299 Enforcement

Cross-reference:

Fees, Charges, and Rates, see Ch. 34

GENERAL PROVISIONS

§ 156.001 TITLE.

This chapter shall be known, cited, and referred to as the “Zoning Code” except as referred to herein, where it shall be known as “this chapter.”

(Ord. 134/94, passed 3-24-94)

§ 156.002 PURPOSE.

This chapter is adopted for the purpose of:

(A) Protecting the public health, safety, morals, comfort, convenience, and general welfare;

(B) Dividing the city into zones and districts and regulating therein the location and use of structures and land;

(C) Promoting orderly development of the residential, agricultural, recreational, industrial, and public

areas;

- (D) Promoting adequate light, air, and convenience of access to property;
- (E) Controlling soil excavation and soil addition;
- (F) Limiting congestion in the public rights-of-way;
- (G) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings in relation to the land and buildings surrounding them;
- (H) Providing compatibility of different land uses and the most appropriate use of land throughout the city;
- (I) Providing for the administration of this chapter and amendments thereto;
- (J) Defining the power and duties of the administrative officers and bodies, as provided hereinafter; and
- (K) Prescribing penalties for the violation of the provisions of this chapter or any amendment thereto.

(Ord. 134/94, passed 3-24-94)

§ 156.003 RELATION TO COMPREHENSIVE PLAN.

It is the policy of the city that enforcement, amendment, and administration of this chapter be accomplished with due consideration of the recommendations contained in the city's Comprehensive Plan. (Ord. 134/94, passed 3-24-94)

§ 156.004 USES NOT PROVIDED FOR IN ZONING DISTRICTS; PROHIBITED.

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be prohibited. In that case the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development or the use. The City Council, Planning Commission, or property owner shall, if appropriate, initiate an amendment to this chapter to provide for the particular use under consideration, or it shall be found that the use is not compatible for development within the proposed district.

(Ord. 134/94, passed 3-24-94)

§ 156.005 RULES AND INTERPRETATIONS.

(A) The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction.

2022 S-1(1) The singular number includes the plural, and the plural the singular.

- (2) The present tense includes the past and future tenses, and the future the present.
- (3) The masculine gender includes the feminine and neuter.

(B) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(C) Where conditions of this chapter are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations which are more restrictive shall prevail. No structure may be erected, converted, enlarged, reconstructed, or altered, and no structure or land may be used for any purpose nor in any manner which is not in conformity with the provisions of this chapter.

(D) No cellar, garage, tent, trailer, basement, or accessory building shall at any time be used as a dwelling unit except manufactured housing as regulated in this chapter, and a basement home may be used as a dwelling for a period not exceeding three years, pending completion of structure above. The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes provided it is properly dampproofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administrator.

(E) Public utility services, erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, because of their nature and function are permitted uses in all districts, subject to the application and granting of a conditional use permit when substations or related structures are to be constructed.

(Ord. 134/94, passed 3-24-94)

§ 156.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. A subordinate building or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of that building or main use.

ADULT ENTERTAINMENT. One or more of the following: adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult steam room/bath house facilities, and adult enterprises, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of sexual activities or sexual anatomical areas, which are capable of being seen by members of the public.

AGRICULTURE USES. Uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

ALLEY. A public right-of-way which affords secondary access to abutting property.

APARTMENT. A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. Includes buildings with two or more dwelling units and efficiency units.

BANNERS and PENNANTS. Attention-getting devices which resemble flags and are of a paper, cloth, or plastic-like consistency.

BASEMENT. A portion of a building located partly underground and having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more unrelated persons, but not to exceed ten persons.

BOATHOUSE. Means a structure used solely for the storage of boats and boating equipment.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure having a roof which may provide shelter or enclosure for any use or occupancy of persons, animals, or chattel. When the structure is divided by party walls without openings, each portion of the building so separated shall be deemed a separate building.

BUILDING HEIGHT. The vertical distance from the average elevation of the adjoining ground level or the established grade adjacent to the building, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to the highest gable on a pitched or hip roof.

BUILDING LINE. The line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

BUILDING SETBACK. The minimum horizontal distance between the building and the specified lot line as prescribed in this chapter.

CELLAR. The portion of the building having more than half of the floor to ceiling height below the average grade of the adjoining ground.

CHURCH. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLEAR-CUTTING. The removal of an entire stand of trees.

CLUB or LODGE. A non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided this serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, and provided further that the serving of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

COMMERCIAL RECREATION. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, ski lodge, skating, tavern, theater, firearms range, and similar uses.

COMMERCIAL USES. All permitted accessory and conditional uses allowed in the B-1 and B-2 districts, except for residential uses.

CONDITIONAL USE. A use permitted in a particular zoning district upon showing that the use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning code and authorized by the City Council.

CONDITIONAL USE PERMIT. A permit issued by the Council in accordance with procedures specified in this chapter, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

DOG KENNEL. Any place where four dogs or more over six months of age are boarded, bred, and/or offered for sale, except a veterinary clinic.

DRIVE-THROUGH. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is the principal service offered.

DWELLING. A building or one or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, or trailer coaches. A **DWELLING** shall not be interpreted to include lodging rooms.

DWELLING, DUPLEX. A building having accommodations for and occupied exclusively by not more than two families.

DWELLING, MULTIPLE. A building having accommodations for and occupied exclusively by more than two families.

DWELLING, TOWNHOUSE. A one or two story single family building having one or more walls in common with another single family building oriented and designed so each unit has separate individual front and rear entrances.

ENGINEERS and/or **ENGINEERING.** Persons and/or firms engaged in these occupations hired by the city.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; not including buildings.

FAMILY. An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household.

FARM. A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual, partnership, or LLC (Limited Liability Company).

FARMING OPERATIONS. A tract of land in a residential zone that is ten acres or more in size which is principally used for raising farm animals or crops.

GARAGE, PRIVATE. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises.

GARAGE, REPAIR. A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of these vehicles, auto wrecking establishments, or junk yards.

HOME OCCUPATION. A gainful occupation carried on in the home when engaged in by person or persons residing in the dwelling.

HOTEL. A building having provision for six or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

INDUSTRIAL USE. A permitted, accessory, or conditional use allowed in the I-1 district.

JUNK YARD. An area where waste and discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of this type of material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included. This use shall not include organic waste or material.

LOT. A parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by that description which is recorded or to be recorded in the office of the County Register of Deeds.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT, THROUGH. Any lot, other than a corner lot, which abuts more than one street.

LOT AREA. The area of a lot in a horizontal plane bounded by the lot lines.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE. The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the **LOT LINE** for applying this chapter.

LOT OF RECORD. A platted lot or metes and bounds parcel which has been recorded in the office of the Register of Deeds prior to the adoption of this chapter.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code established by M.S. § 327.31, subd. 3, as amended from time to time. See M.S. § 327.31, subds. 3 and 6, as they may be amended from time to time.

MAY. The act referred to is permissive.

NONCONFORMING STRUCTURE OR USE. Any structure or use which on the effective date of this code does not, even though lawfully established, conform to the applicable conditions if the structure or use were to be erected under the guidance of this chapter.

OFF-STREET LOADING SPACE. A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. This space shall be of a size as to accommodate one truck of the type typically used in the particular business.

OPEN STORAGE. Storage of any material outside of a building.

ORDINARY HIGH WATER MARK. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The **ORDINARY HIGH WATER MARK** is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

PARKING SPACE. An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PARTY WALL. A common wall which divides two independent structures.

PERFORMANCE STANDARD. Criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERSON. An individual, to include both male and female and shall also extend and be applied to bodies political and corporate, and to partnerships and other unincorporated associations.

PLANNED UNIT DEVELOPMENT. A large lot or tract of land developed as a unit rather than as individual development, wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

PLANNING COMMISSION. The Planning Commission of the city.

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state, or other governmental units.

PUBLIC WATER. Any waters of the state which serve a beneficial public purpose, as defined by Minnesota Statutes. However, no lake, pond, or floodage of less than ten acres in size and no river or stream having a total drainage area less than two square miles. **PUBLIC WATER** shall be determined by the state Department of Natural Resources. Any body of water created by a private user where there was no previous shoreland for a designated private use as approved by the Commissioner of the State Department of Natural Resources is not included as a **PUBLIC WATER**.

RECREATIONAL VEHICLE. A vehicular portable structure used for amusement, vacation, or recreational activities, including but not limited to travel trailers, motor homes, camping trailers, snowmobiles, boats, bicycles, motorcycles, RVs, and ATVs.

RESTAURANT. Establishment which serves food to be consumed while seated at tables or booths within the building or which serves food to be consumed after going through a drive-through convenience.

SETBACK. The minimum horizontal distance between a building and normal ordinary high water mark, street right-of-way, or property line. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level.

SEWAGE DISPOSAL SYSTEM. Any system for the collection, treatment, and dispersion of sewage, including but not limited to septic tanks, soil absorption systems, and drain fields.

SHALL. The act referred to is mandatory.

SHORELAND. Land located within the following distances from public water: 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on that river or stream, whichever is greater. The practical limits of **SHORELANDS** may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SIGN. Any written announcement, declaration, demonstration, display, illustration, insignia, or illumination used to advertise or promote the interest of any person when the same is displayed or placed out of doors in view of the general public, and shall include every detached **SIGN**.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which the sign is located.

SIGN, NAMEPLATE. Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed, or may be a directory listing the names, address, and business or occupants.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR CARPORT – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

SOLAR COLLECTOR – The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

SOLAR ENERGY SYSTEM. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

SOLAR ENERGY SYSTEM, COMMUNITY-SCALE. A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 20 acres.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED. A solar energy system mounted on a rack or pole that rests or is attached to the ground excluding community-scale solar energy systems. Ground-mounted systems are accessory to the principal use.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED. A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above, the space between the floor and ceiling next above. A basement shall be counted as a **STORY**.

STREET. A public right-of-way which affords a primary means of access to abutting property, and shall also include avenue, highway, or road.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground. This shall include signs.

STRUCTURE, NONCONFORMING. Any structure which is legally existing upon the effective date of this code, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this chapter.

SUBDIVISION. The division of any parcel of land into two or more lots, blocks, and/or sites, with or without streets or highways, and including resubdivision.

SUBSTANDARD USE. Any use of shorelands existing prior to the enactment of any municipal ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of this chapter.

UNDUE HARDSHIP. As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. **UNDUE HARDSHIP** also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction.

USE. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of this activity as defined by the performance standards of this chapter.

USE, ACCESSORY. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

USE, OPEN. The use of a lot without a building or including a building incidental to the **OPEN USE**.

USE, PERMITTED. A public or private use which of itself conforms with the purposes and objectives of a particular district and which conforms with all requirements, regulations, and performance standards of that district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

USEABLE OPEN SPACE. A required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped, and intended and maintained for either active or passive recreation or both; available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. These areas shall be grassed and landscaped or covered only for a recreation purpose. Roofs, driveways, and parking areas shall not constitute **USEABLE OPEN SPACE**.

VARIANCE. The waiving action of the literal provisions of this chapter in instances where their strict enforcement would cause unusual hardship because of physical circumstances unique to the individual property under consideration.

WAREHOUSING. The storage of materials or equipment within an enclosed building as a principal use.

WHOLESALING. The selling of goods, equipment, and materials by bulk to another business that in turn sells to the final customer.

YARD. An open space on a lot, which is occupied, and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to that lot line to a depth or width specified in the yard regulations for the district in which that lot is located.

YARD, FRONT. A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

ZONING ADMINISTRATOR. A person appointed by the City Manager-Clerk to enforce this chapter.

ZONING DISTRICT. An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform.

ZONING MAP. The maps or map incorporated into this chapter as part thereof, and as amended, designating the zoning districts.

(Ord. 134/94, passed 3-24-94; Am. Ord. 483, passed 6-16-21; Am. Ord. 544, passed 07-17-25)

ZONING DISTRICTS AND MAPS**§ 156.020 DISTRICTS ESTABLISHED.**

For the purpose of this chapter, the following districts shall be created:

- (A) R-1, Single Family Residential (Low Density) District;
- (B) R-2, One and Two Family Residential (Medium Density) District;
- (C) R-3, Multiple Family Residential (High Density) District;
- (D) B-1, Central Business District;
- (E) B-2, General Business District;
- (F) B-4, Business District (manufactured homes on rental lots);
- (G) HG-1, Health and Government Buildings District;
- (H) I-1, Light Industrial District;
- (I) C-1, C-2, and C-3, regulated separately by Chapters 153 and 154; and
- (J) PUD, Planned Unit Development District. PUDs permit greater flexibility in the use and design of structures and land than in the other districts.

(Ord. 134/94, passed 3-24-94)

§ 156.021 ZONING MAP; ADOPTED BY REFERENCE.

Boundaries of the above districts are hereby established as shown on that certain map entitled "the City Zoning Map," which is properly approved and filed in the office of the City Manager-Clerk and hereinafter referred to as the "Zoning Map." This map and all of the notations, references, and other information shown therein shall have the same force and effect as if fully set down herein and are hereby made a part of this chapter by reference.

(Ord. 134/94, passed 3-24-94)

§ 156.022 ZONING DISTRICT BOUNDARIES.

(A) District boundaries on the Zoning Map are intended to follow street right-of-way lines, street center lines, or lot lines, unless the boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

(B) All land that may be annexed to the city shall be, hereafter, appropriately zoned at the same time as the annexation proceedings.

(Ord. 134/94, passed 3-24-94)

DISTRICT REGULATIONS; USE REQUIREMENTS AND RESTRICTIONS**§ 156.035 R-1, SINGLE FAMILY RESIDENTIAL LOW DENSITY DISTRICT.**

(A) *Purpose.* The purpose of the Single Family District is to provide for low density, single family detached residential dwelling units and directly related, complimentary uses.

(B) *Minimum requirements.*

<i>Requirement</i>	<i>Conditions</i>	<i>Type of Dwelling</i>	<i>Dimension</i>
Building, area			See table in § 156.060
Building height, maximum			2.5 stories or 35 ft.

<i>Requirement</i>	<i>Conditions</i>	<i>Type of Dwelling</i>	<i>Dimension</i>
Lot, minimum area	Public sewer	Single family residence	10,000 sq. ft.
	Public sewer	Two family residence	10,000 sq. ft.
	On-site sewer		21,789 sq. ft. (one-half acre)
Lot, minimum width	Public sewer		80 ft.
	On-site sewer		150 ft.
Front yard, minimum			30 ft.
Rear yard, minimum			10 ft.
Side yard, minimum	Interior lot		10 ft.
	Public and semi-public buildings adjacent to residential zoned lots		15 ft.
	Corner lot		30 ft.

(C) Permitted principal uses.

- (1) Single family residence;
- (2) Park, golf course, and other non-commercial uses;
- (3) Public buildings;
- (4) Churches;
- (5) Essential services;
- (6) Manufactured homes; and
- (7) Farming operations on property of ten acres or more.

(D) Permitted accessory uses.

- (1) Off-street parking spaces and garages as required in this chapter;

- (2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;
- (3) Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and
- (4) Fencing, screening, and landscaping as permitted and regulated in this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof -mounted.

(E) *Uses requiring a conditional use permit.*

- (1) Two family residences;
- (2) Retail sales conducted on the premises of a greenhouse, nursery, or truck garden;
- (3) Clubs and lodges;
- (4) Off-street parking lots;
- (5) Home occupations;
- (6) Planned unit developments as regulated by this chapter; and
- (7) Accessory structures larger and/or taller than the principal building.

(Ord. 134/94, passed 3-24-94; Am. Ord. 332, passed 1-16-03; Am. Ord. 483, passed 6-16-21; Am. Ord. 544, passed 7-17-25)

§ 156.036 R-2, ONE AND TWO FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT.

(A) Purpose. The purpose of the One and Two Family Residential District is to provide for medium density housing in one and two family structures and directly related, complimentary uses where public sewer and water can be provided.

(B) *Minimum requirements.*

<i>Requirement</i>	<i>Conditions</i>	<i>Type of Dwelling</i>	<i>Dimension</i>
Building, area			See table in § 156.060
Building height, maximum			2.5 stories or 35 ft.

<i>Requirement</i>	<i>Conditions</i>	<i>Type of Dwelling</i>	<i>Dimension</i>
Lot, minimum area	Public sewer	Single family residence	10,000 sq. ft.
	Public sewer	Two family residence	10,000 sq. ft.
	Public sewer	Townhomes	5,500 sq. ft. per unit
Lot, minimum width		Single family residence	80 ft.
		Two family residence	80 ft.
Front yard, minimum			30 ft.
Rear yard, minimum			10 ft.
Side yard, minimum	Interior lot		10 ft.
	Public and semi-public buildings adjacent to residential zoned lot		15 ft.
	Corner lot		30 ft.

(C) Permitted principal uses.

- (1) Single family residence;
- (2) Two family residence;
- (3) Park, golf course, other non-commercial recreation uses;
- (4) Public and parochial schools;
- (5) Public utilities buildings;
- (6) Essential services;
- (7) Manufactured homes; and
- (8) Farming operations on property of ten acres or more.

(D) Permitted accessory uses.

- (1) Off-street parking spaces and garages as required in this chapter;

- (2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;
- (3) Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and
- (4) Fencing, screening, and landscaping as permitted and regulated in this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof -mounted.

(E) *Uses requiring a conditional use permit.*

- (1) Cemeteries;
- (2) Non-profit recreational uses;
- (3) Off-street parking lots;
- (4) Nursing homes, rest homes;
- (5) Clubs and lodges;
- (6) Multiple family dwellings;
- (7) Planned unit developments as regulated by this chapter;
- (8) Home occupations; and
- (9) Conversions of single family units into multi-family dwellings provided that:
 - (a) No existing single family dwelling shall be converted into more than four dwelling units;
 - (b) All units shall comply with city rental ordinances;
 - (c) Adequate off-street parking is provided in accordance with this chapter;
 - (d) Each unit shall meet the minimum health and safety requirements as provided for in the Minnesota State Building Code and Minnesota State Fire Code and shall be inspected by local building inspector and fire inspector and inspection report submitted to City Hall;
 - (e) *Lot size.* Buildings cannot exceed 60% of property; and
 - (f) Lots must be serviced with city water and sewer.

- (10) Manufactured home parks licensed by the State Department of Health;
- (11) Accessory structures larger and/or taller than the principal building.
- (12) Seasonal Greenhouse or Seasonal Business

(Ord. 134/94, passed 3-24-94; Am. Ord. 99-2, passed 7-15-99; Am. Ord. 332, passed 1-16-03; Am. Ord. 453, passed 7-18-19; Am. Ord. 483, passed 6-16-21; Am. Ord. 519, passed 12-21-23; Am. Ord. 541, passed 4-17-25; Am. Ord. 544, passed 7-17-25)

§ 156.037 R-3, MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY DISTRICT.

(A) *Purpose.* The purpose of the R-3 Multiple Family Residential District is to provide for high density housing where public sewer and water service can be provided.

(B) *Minimum requirements.*

<i>Requirement</i>	<i>Condition</i>	<i>Type of Dwelling</i>	<i>Dimension</i>
Building, area			See table in § 156.060
Building height, maximum			3 stories or 40 ft.
Lot, minimum area		Two family residence	10,000 sq. ft.
		Townhouse	4,000 sq. ft. per unit
	Multiple family structure	Efficiency	2,000 sq. ft.
	Multiple family structure	One bedroom	2,000 sq. ft.
	Multiple family structure	Two or more bedrooms	3,000 sq. ft.
Lot, minimum width	From structures with more than one dwelling		100 ft.
Front yard, minimum			30 ft.
Rear yard, minimum			25 ft. or 25% of lot depth, whichever is the lesser
Side yard, minimum	Interior lot		15 ft.
	Corner lot		30 ft.

(C) Permitted principal uses.

- (1) One family residences;
- (2) Two family residences;
- (3) Rooming houses, boarding houses;
- (4) Townhouses;
- (5) Apartment buildings;
- (6) Public and parochial schools;
- (7) Churches; and
- (8) Manufactured homes.

(D) Permitted accessory uses.

- (1) Off-street parking spaces and garages as required in this chapter;
- (2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;
- (3) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and
- (4) Fencing, screening, and landscaping as permitted and regulated in this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof -mounted.

(E) Uses requiring a conditional use permit.

- (1) Cemeteries;
- (2) Municipal buildings;
- (3) Off-street parking lots;
- (4) Nursery schools;
- (5) Nursing homes, rest homes;

- (6) Public utilities buildings;
- (7) Funeral homes;
- (8) Clubs and lodges;
- (9) Home occupations;
- (10) Clinics and hospitals;
- (11) Planned unit developments as required by this chapter.
- (12) Conversions of single family units into multi-family dwellings, provided that:
 - (a) No existing family dwellings shall be converted into more than two dwelling units;
 - (b) Lot size shall be at least 10,000 square feet with public sewer;
 - (c) Adequate off-street parking is provided in accordance with this chapter;
 - (d) Constructed to the Minnesota State Building Code;
- (13) Manufactured home parks licensed by the State Department of Health;
- (14) Accessory structures larger and/or taller than the principal building.

(Ord. 134/94, passed 3-24-94; Am. Ord. 332, passed 1-16-03; Am. Ord. 453, passed 7-18-19; Am. Ord. 516, passed 9-21-23; Am. Ord. 544, passed 7-17-25)

§ 156.038 B-1, CENTRAL BUSINESS DISTRICT.

(A) *Purpose.* This district is designed and intended as a specialized district directed to serve the pedestrians in a compact central area for the city. The B-1 District will provide for a high density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses.

(B) *Minimum requirements.*

<i>Requirement</i>	<i>Conditions</i>	<i>Dimension</i>
Building, area		No minimum
Building height, minimum		3 stories or 35 ft., whichever is the lesser

<i>Requirement</i>	<i>Conditions</i>	<i>Dimension</i>
Lot area		No minimum
Lot width		No minimum
Front yard		No minimum
Rear yard	Most cases	No minimum
	Abutting a residential zoned lot	30 ft.
Side yard	Most cases	No minimum
	Abutting a residential zoned lot	10 ft.

(C) Special requirements.

(1) Every use shall be conducted within a completely enclosed structure, except as indicated or allowed by conditional use.

(2) Marquees and canopies may project to within not more than two feet of the curb of the street, provided the base of any marquee or canopy is at least eight feet above the grade of the sidewalk.

(3) Heating, ventilation, air conditioning units (HVAC), whether roof-mounted or wall-mounted, shall be located not less than eight feet above existing grade, and shall not project more than 24 inches beyond the vertical outside wall of the structure upon which they are mounted that is adjacent to a right-of-way. Said units shall match the exterior color of the building. Each HVAC shall be equipped with a catchment basin to contain condensation, moisture, drippings or other residue of any kind, which shall drain by conduit to a disposal location within the building.

(4) Business signs and advertising devices shall be regulated by §§ 156.130 *et seq.*

(D) Permitted principal uses.

(1) Antique store;

(2) Apparel and accessory store;

(3) Appliance store, sales, and service;

(4) Art supply store;

(5) Art gallery;

(6) Artist studio or school;

- (7) Auto parts and accessory sales;
- (8) Bakery retail;
- (9) Bank, including drive-through;
- (10) Barber shop;
- (11) Bars and taverns;
- (12) Beauty shop;
- (13) Blueprinting and photostating;
- (14) Bicycle sales and repairs;
- (15) Book store;
- (16) Brew Pubs;
- (17) Business machines store;
- (18) Café;
- (19) Camera and photographic supply store;
- (20) Candy, ice cream, and confectionary store, in which all manufacturing is permitted only as an accessory use and is limited to 15% of the gross floor area of this use;
- (21) Catalog and mail order house;
- (22) Caterer;
- (23) Clinic, dental or medical, but not animal clinic or animal hospital;
- (24) Clothing store;
- (25) Dance studio;
- (26) Delicatessen store;
- (27) Department store;

- (28) Dressmaking, seamstress;
- (29) Drugstore;
- (30) Fabric store;
- (31) Fire hall;
- (32) Floral sales;
- (33) Food locker plant;
- (34) Furniture store and home furnishings;
- (35) Garden supplies store; need not be enclosed, provided all unenclosed portions of the use are located on the rear one-half of the zoning lot;
- (36) Gift, novelty, or souvenir store;
- (37) Grocery store;
- (38) Hardware store;
- (39) Health equipment store;
- (40) Hotel;
- (41) Interior decorator;
- (42) Jewelry store;
- (43) Laboratory, dental or medical;
- (44) Liquor store (off-sale);
- (45) Locksmith;
- (46) Luggage store;
- (47) Massage therapy not regulated by the Adult Use Ordinance;

- (48) Meat market and processing, including slaughtering. Allowed on one acre or more;
- (49) Motel;
- (50) Motorcycle shop;
- (51) Mortuary;
- (52) Music store, accessories, and studio;
- (53) Newsstand;
- (54) Office of any type;
- (55) Optician;
- (56) Optical goods;
- (57) Paint and wallpaper store;
- (58) Photographic studio or picture processing;
- (59) Public buildings, city hall, library, museum;
- (60) Radio and television broadcasting, excluding transmitter;
- (61) Restaurants;
- (62) Savings and loan association, state or federally chartered, including drive-through facilities;
- (63) Secondhand shops;
- (64) School (private);
- (65) Shoe repair shop;
- (66) Sporting goods store;
- (67) Tailor;
- (68) Telephone exchange;
- (69) Theater, not including drive-in theater;
- (70) Theatrical studio;

- (71) Ticket agency;
- (72) Toy store;
- (73) Travel bureau or agency; and
- (74) Variety store.

(E) *Permitted accessory uses.*

- (1) Commercial or business structures for use accessory to principal use;
 - (a) Tarp-like structures will be allowed in the B-1 Central Business District from April 1 to June 30 for business/retail purposes only.
 - (b) Must be disassembled each year.
 - (c) Cannot be used for storage.
 - (d) Cannot exceed 200 square feet.
 - (e) Only one structure allowed.
- (2) Off-street parking and loading spaces;
- (3) Business signs regulated by §§ 156.130 *et seq.*; and
- (4) Fencing and screening as permitted by this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof -mounted.

(F) *Uses requiring a conditional uses permit.*

- (1) Residential units in conjunction with the principal structure;
- (2) Multiple family dwellings;
- (3) Gas stations, service stations;
- (4) Supply yards;
- (5) Wholesale businesses;
- (6) Drive-through establishments not specifically permitted as principal use;
- (7) Churches;

- (8) Lumber yards;
- (9) Veterinary clinics;
- (10) Any use requiring outdoor storage or sales space;
- (11) Public garage;
- (12) The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business;
- (13) Commercial uses determined by the City Council to be of the same general character as identified permitted and conditional uses and found not to be detrimental to the general public health and welfare. Uses grandfathered in when this chapter was adopted may reasonably expand by changing or adding products if approved by the City Council; and
- (14) Planned unit developments and condominiums.
- (15) Seasonal greenhouse or seasonal business

(G) Minimum standards for exterior architecture.

(1) *Purpose.* The purpose of this division is to establish minimum standards for exterior architecture of commercial, residential, office and industrial buildings, to ensure high quality of development, redevelopment and compatibility with evolving architectural or planning themes that contribute to a community image of quality, visual aesthetics, permanence and stability that are in the best interest of the citizens of the city.

(a) These standards are intended to prevent use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of area property values, or cause urban blight.

(b) These structural standards are further intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors, in order to prevent visual disharmony; minimize adverse impacts on adjacent properties from buildings that are or may become unsightly, and buildings that detract from the character and appearance of the area.

(c) It is not the intent of this division to unduly restrict design freedom, when reviewing and approving project architecture in relationship to the proposed land use, site characteristics, and interior building layout.

(2) *Applicability.* The design standards in this division shall apply to the following:

- (a) All facades of new principle buildings.

(b) All facades of new accessory buildings.

(c) Remodeling of existing buildings that result in "refacing" more than one side of the existing building, or refacing the wall oriented toward the nearest public road.

(d) Additions to buildings that increase the gross floor area by more than 15% for commercial or retail buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials and colors.

(e) All subsequent additions and alterations constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building, and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the city from requiring upgrading of the quality of materials used in a remodeling or expansion program.

(3) *Building design and construction standards.*

(a) *Required materials.* In the B-1 zoned district, on all the walls that face a public street, at least 50% of the entire exterior wall surface shall be constructed on one of the following materials:

1. Face brick;
2. Rock face block;
3. Cementitious siding;
4. Natural stone or stone veneers;
5. Glass;
6. Masonry stucco;
7. Synthetic stucco;
8. Exterior Insulation and Finish Systems (EIFS);
9. Concrete block.

(b) *Prohibited materials.* Under no circumstances shall sheet plywood, sheet metal, corrugated metal, galvanized metal, unfinished metal, asbestos, iron, or plain concrete block (whether painted or color-integrated or not) be deemed acceptable as exterior wall materials on buildings.

(Ord. 134/94, passed 3-24-94; Am. Ord. passed 9-15-94; Am. Ord. 375, passed 6-12-08; Am. Ord. 390, passed 6-10-10; Am. Ord. 402, passed 6-13-13; Am. Ord. 453, passed 7-18-19; Am. Ord. 511, passed 6-20-23; Am. Ord. 530, passed 11-20-24; Am. Ord. 542; passed 4-17-25, Am. Ord. 544, passed 7-17-25)

§ 156.039 B-2, GENERAL BUSINESS DISTRICT.

(A) *Purpose.* The General Business District is designed and intended to promote the development of uses which require large concentrations of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the uses permitted in the B-1 District, and whose service is not confined to any one neighborhood or community.

(B) *Special requirements.*

(1) Every use shall be conducted within a completely enclosed structure except as indicated or allowed by conditional use.

(2) Business signs and advertising devices shall be regulated by §§ 156.130 *et seq.*

(C) *Minimum requirements.*

<i>Requirement</i>	<i>Conditions</i>	<i>Dimension</i>
Building area		No minimum
Building height		35 ft.
Lot, minimum area	Public sewer	6,000 sq. ft.
	On-site sewer	43,500 sq. ft.
Lot, minimum width	Public sewer	80 ft.
	On-site sewer	150 ft.
Front yard, minimum		25 ft. or conformance to existing setback in block
Rear yard, minimum		10 ft.
Side yard, minimum	Interior lot	10 ft.
	Buildings exceeding two stories	10 ft.
	Corner lot	20 ft.

(D) *Permitted principal uses.*

(1) All those uses permitted in B-1 District;

(2) Auto wash;

- (3) Auto sales, unenclosed;
- (4) Auto storage, new or used;
- (5) Auto repair garage;
- (6) Bowling alley;
- (7) Club or lodge;
- (8) Health club or gym;
- (9) Hotel, motel, or bed and breakfast establishment;
- (10) Implement sales;
- (11) Lumber yard;
- (12) Parking and/or commercial storage of vehicles; need not be enclosed;
- (13) Radio and television broadcasting studios;
- (14) Repair shop;
- (15) Tire recapping and supply store;
- (16) Upholstery shop of any type;
- (17) Welding shop;
- (18) Churches; and
- (19) Single family residence where 50% of the buildings in the block are at present single family dwellings.

(E) Permitted accessory uses.

- (1) Commercial or business structures for a use accessory to the principal use;
 - (a) Tarp-like structures will be allowed in the B-2 General Business District from April 1 to June 30 for business/retail purposes only.
 - (b) Must be disassembled each year.
 - (c) Cannot be used for storage.
 - (d) Cannot exceed 200 square feet.

- (e) Only one structure allowed.
- (2) Off-street parking as required in this chapter;
- (3) Nameplate and business signs subject to §§ 156.130 *et seq.*; and
- (4) Fencing and screening as permitted in this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

(F) *Uses requiring a conditional use permit.*

- (1) Residence associated with the permitted use;
- (2) Multiple family dwellings;
- (3) Any permitted use requiring drive-through facilities;
- (4) Seasonal businesses;
- (5) Veterinary clinic;
- (6) Commercial recreational uses;
- (7) Gas stations, service stations;
- (8) Feed stores;
- (9) Community or convention centers;
- (10) Kennels for household pets, provided, however, all these kennels are contained within completely enclosed structures;
- (11) Other commercial uses determined by the Planning Commission or City Council to be of the same general character as the permitted uses above and found not to be detrimental to the general public health and welfare; and
- (12) Planned unit developments shall only be permitted on an area of at least one acre.
- (13) Community-scale solar energy systems

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19; Am. Ord. 531, passed 11-20-24; Am. Ord. 544, passed 7-17-25)

§ 156.040 B-4, BUSINESS DISTRICT.

(A) *Purpose.* This Business District is established for areas to be used for the rental of lots for manufactured homes that do not meet the requirements of the residential districts.

(B) *Special requirements.*

- (1) This district is required to have a total of five acres or more.
- (2) Ten percent of its area is required to be set aside for a park for recreational purposes for the residents.
- (3) The district shall meet all the requirements of the state and city regulations.

(C) *Minimum requirements.*

- (1)

<i>Requirement</i>	<i>Condition</i>	<i>Dimension</i>
Lot, minimum area		7,200 sq. ft.
Yard, minimum (front, side, and rear)	Inside the district	10 ft.
		30 ft. from adjacent district

(2) All manufactured homes placed must have permanent footings and foundations or be placed on an engineered slab.

(D) *Permitted principal uses.* Accommodations for mobile homes.

(E) *Permitted accessory uses.*

- (1) Laundry building for convenience of residents;
- (2) Off-street parking as required in this chapter;
- (3) Storage sheds for storage of domestic supplies and non-commercial equipment;
- (4) Storm shelter building for convenience of residents; and
- (5) Fencing, screening, and landscaping as permitted and regulated in this chapter.
- (6) Solar energy systems which are building-integrated, ground-mounted, or roof -mounted.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19; Am. Ord. 544, passed 7-17-25)

§ 156.041 HG-1, HEALTH CARE AND GOVERNMENT BUILDING DISTRICT.

(A) *Purpose.* The Health Care and Government Buildings District is established for the purpose of providing districts for health care providers and government buildings needing large areas for their buildings, parking, and open areas.

(B) *Minimum requirements.*

<i>Requirement</i>	<i>Dimension</i>
Lot, area	No minimum
Lot, width	No minimum
Front yard, minimum	30 ft.
Rear yard, minimum	15 ft.
Side yard, minimum	15 ft.
Yard, corner lot	30 ft. from all streets

(C) *Permitted principal uses.*

- (1) Nursing homes;
- (2) Hospitals, not including animal facilities;
- (3) Clinics, not including animal facilities;
- (4) Government buildings, city, county, and state;
- (5) Jails;
- (6) Churches; and
- (7) Assisted living.

(D) *Permitted accessory uses.*

- (1) Off-street parking as required in this chapter;
- (2) Garages used as accessory to the principal use;
- (3) Dwellings for administrators of the principal use;
- (4) Storage sheds for storage of supplies and equipment; and

(5) Fences, screening, and landscaping as permitted in this chapter.

(6) Community-scale solar energy systems

(E) *Uses requiring a conditional use permit.* Congregate living quarters.
(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19; Am. Ord. 544,
passed 7-17-25)

§ 156.042 I-1, LIGHT INDUSTRIAL DISTRICT.

(A) *Purpose.* The industrial district is established to provide exemplary standards of development for industrial areas to insure compatibility with other land uses and to provide for industrial employment opportunities for residents of the community.

(B) *Special requirements.*

(1) All manufacturing or processing shall be conducted completely within enclosed buildings except as allowed by conditional use.

(2) All storage of supplies and equipment shall be within enclosed buildings. No storage will be allowed in trailers or vans.

(3) All storage buildings and vans that have been grandfathered in shall be identified as to any hazardous or toxic material stored inside and identification shall be displayed by a method approved by the building official.

(4) Substantial landscaping and screening shall be installed and maintained on industrial sites adjacent to residential districts to effectively separate the uses and promote the public health, safety, and welfare.

(C) *Minimum requirements.*

<i>Requirement</i>	<i>Conditions</i>	<i>Dimension</i>
Lot, minimum area	Public sewer	20,000 sq. ft.
	On-site sewer	2 acres
Lot, minimum width		150 ft.
Front yard, minimum		30 ft.
Side yard, minimum	Interior lots	10 ft.
	Corner lots	20 ft.
	Adjacent to residential zoned lot	20 ft. with a vegetative buffer or fence of not less than 8 ft. in height

<i>Requirement</i>	<i>Conditions</i>	<i>Dimension</i>
Rear yard, minimum		10 ft.
	Adjacent to residential zoned lot	10 ft. with a vegetative buffer or fence of not less than 8 ft. in height

(D) Permitted principal uses.

- (1) Airports and hangers;
- (2) Art equipment supplies, manufacturing;
- (3) Bags, boxes, and paper containers, manufacturing and storage;
- (4) Bottling establishments;
- (5) Books and looseleaf binders, fabrication and assembly;
- (6) Brewery, as defined and regulated in § 114.75
- (7) Cabinet and woodworking establishments;
- (8) Clothing manufacturing;
- (9) Camera and photographic manufacturing;
- (10) Cold storage plants, locker plants;
- (11) Commercial printing, publishing, and engraving firms;
- (12) Confectionery and related products, manufacturing and packaging;
- (13) Creameries, milk stations, bottling works;
- (14) Dental instruments and supplies;
- (15) Distillery, as defined and regulated in § 114.75
- (16) Dry-cleaning and dyeing establishments;

- (17) Electric lighting and wiring equipment, manufacturing;
- (18) Electronic tubes and other components, manufacturing;
- (19) Electrical products and appliances, manufacturing and assembly;
- (20) Express and hauling stations;
- (21) Footwear, manufacture and fabrication;
- (22) Grain and seed elevators;
- (23) Hand and edge tools, manufacturing and assembly;
- (24) Hardware warehousing and distribution operations;
- (25) Ice plants and ice cream plants;
- (26) Jewelry manufacture;
- (27) Laboratory instruments and associated items, manufacturing and assembly;
- (28) Laundries;
- (29) Luggage, handbags, and similar items, manufacturing and assembly;
- (30) Lumber yards;
- (31) Mail order houses;
- (32) Medical and surgical instruments and supplies;
- (33) Newspaper plants and offices;
- (34) Office furniture and supplies;
- (35) Optical instruments and lenses, manufacturing and assembly;
- (36) Patterns, design and manufacturing;
- (37) Pottery shops;
- (38) Precision instruments;
- (39) Plastic extrusion and moulding and fixtures;

- (40) Plumbing fixtures and equipment, wholesale;
- (41) Processing and storage plants not involving a discharge of noxious to toxic matter;
- (42) Public garages;
- (43) Radio and television, assembly and parts fabrication;
- (44) Recycling and/or handling and/or processing of waste;
- (45) Retail businesses in a portion of the permitted principal use building or structure;
- (46) Sport equipment, manufacture and assembly;
- (47) Scientific and research instruments and equipment, manufacturing and assembly;
- (48) Signs and advertising display materials, manufacturing and assembly;
- (49) Storehouses, warehouses;
- (50) Telephone and telegraph technical apparatus, manufacturing and assembly;
- (51) Temperature controls, fabrication and assembly;
- (52) Trade schools;
- (53) Vehicle repair;
- (54) Welding supply;
- (55) Wholesale business facilities; and
- (56) Winery, as defined and regulated in § 114.75

(E) *Permitted accessory uses.*

- (1) (a) Buildings and structures for a use accessory to the principal use;
- (b) Cargo boxes cannot be stacked and cannot be more than 10% of the principle building in area;
- (2) Off-street parking and loading as required in this chapter;
- (3) Nameplate and business signs subject to §§ 156.130 *et seq.*; and

- (4) Fencing and screening as permitted in this chapter.
- (5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

(F) *Uses requiring a conditional use permit.*

- (1) Heavy manufacturing or any use involving pollution or other hazards;
- (2) Any manufacturing, processing, or assembly conducted outside of a structure;
- (3) Other manufacturing, processing, storage, or commercial uses determined by the Planning Commission or the City Council to be of the same general character as permitted uses above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matter, or glare or heat;
- (4) Adult entertainment establishments to be considered only if 1,320 feet from residential districts; and
- (5) Planned unit developments shall only be permitted on an area of at least one acre.
- (6) Community-scale solar energy systems

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19; Am. Ord. 492, passed 4-21-22; Am. Ord. 536, passed 12-18-24, Am. Ord. 544, passed 7-17-25)

§ 156.043 PUD, PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Purpose.* The purpose of the planned unit development district (PUD) is to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this chapter will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based, and will not be harmful to the neighborhood in which the districts occur.

(B) *Permitted, accessory, and conditional uses.* The following are permitted, accessory, and conditional uses within the PUD district:

- (1) Permitted, accessory, and conditional uses allowed within the zoning district where the proposed PUD is to be located; and
- (2) Other uses provided that these uses shall not occupy more than 10% of the gross land area.

(C) *Lot area regulations.* The provisions of this section shall be applied to land of one or more acres in size. The total land area may not be less than that required under the other district provisions for the equivalent use and number of structures or units.

(D) Procedural requirements.

(1) Preliminary development plan.

(a) The applicant requesting a planned unit development shall first submit a preliminary development plan in accordance with the procedures for amendments set forth and regulated by this chapter.

(b) The preliminary development plan shall consist of location and preliminary site maps including maps and/or statements describing proposals suggested for land use, parking, drainage, utilities, and other additional data required by the Planning Commission or City Council.

(2) Final development plan.

(a) Within one year from date of City Council approval of the preliminary development plan, the applicant shall submit a final development plan to the Planning Commission.

(b) The final development plan shall include:

1. Complete site development plans;
2. Complete landscaping plans (where necessary);
3. Complete parking and circulation plans;
4. Complete drainage and other utility system plans;
5. Preliminary architectural floor plans; and
6. Additional data as required by the Planning Commission.

(c) The Planning Commission shall review the final development plan to assure consistency with the approved preliminary development plan. The Planning Commission shall recommend for approval or disapproval with conditions and reasons thereof to the City Council. In case the plan is disapproved, the applicant shall be notified in writing of the reason for disapproval and what requirements are necessary to meet the approval of the Commission.

(d) The final development plan, together with the recommendations of the Planning Commission, shall be submitted to the City Council at its next regularly scheduled meeting. If accepted, the final development plan shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedications, and other requirements as indicated by the City Council. If denied, the reasons for refusal shall be set forth in the proceedings of the Council and reported to the applicant.

(3) Approved plans. Requests for variances may be approved when consistent with the purpose of this section. All approved final development plans which include the platting or replatting of property within the PUD shall be filed and recorded with the County Recorder's office. Failure to do so within one

year of Council's final approval shall result in the requiring of a new preliminary development plan according with the procedures set forth in this section to ensure compliance with any new requirements.

(4) *Recording on Zoning Map.* Upon approval of the first PUD, the Zoning Administrator shall record the PUD district onto the Zoning Map and designate the district as PUD-1. Thereafter, future approved PUD districts shall be designated in sequential order, i.e., PUD-2, PUD-3, PUD-4, and so on. (Ord. 134/94, passed 3-24-94)

GENERAL REQUIREMENTS

§ 156.055 LOT AREA REQUIREMENTS.

(A) Lot area requirements shall be specified under each zoning district.

(B) In addition, the following regulations shall be complied with:

(1) No use shall be established or hereinafter maintained on a lot recorded after the effective date of this chapter which is less in area or width than prescribed hereinafter for that use in the zoning district in which it is to be located.

(2) In the appropriate residential districts on a lot of record on the effective date of this chapter, a single family dwelling may be established provided the lot is at least 75% of the required size. Requests for building on conforming lots shall be accompanied by a site plan showing the adjacent lot lines and water and sewer systems in relationship to the proposed water-sewer systems. Development should only be allowed when it can be demonstrated that no pollution or health hazards will result.

(3) No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which the building is located.

(4) In areas not served by public water and sewer disposal systems, soil tests may be required to insure the sanitary function of private on-site systems. If tests indicate that the soils are not adequate, the size of the lot area will be increased in lot area until the size is deemed adequate.

(5) Except in the case of planned unit developments as provided for herein, not more than one principal building shall be located on a lot.

(6) Single family homes may be excluded from lot area and setback requirements provided a conditional use permit is issued under the terms of the planned unit development provisions of this chapter. Density zoning shall be interpreted to mean the permission of reduced lot area standards under conditions whereby the number of structures or units permitted is not greater than permitted by the application of the regular provisions of the district, but with all land excluded from the lot area requirements added onto public open space (park, playground, school site, walkway, or other approved open green space).

(7) Public rights-of-way are not a part of the buildable lot area and, therefore, shall not be included as part of the minimum lot area required. Required yards in the districts specified shall be subject to the additional requirements as given in § 156.056.

(Ord. 134/94, passed 3-24-94)

§ 156.056 YARD REQUIREMENTS.

(A) Yard requirements shall be set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereafter indicated and shall be unobstructed from the ground level to the sky.

(B) No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

(C) On a corner lot, nothing shall be placed or allowed to grow in a manner so as materially to impede vision between a height of 2 1/2-feet and 10 feet above street level for a distance of 30 feet from intersecting streets.

(D) Through lots in any district shall have a required front yard on any street.

(E) In any district, where existing structures within a block have front yard setbacks different than those required, the front yard minimum shall be the average of the adjacent structures.

(F) The following shall not be considered to be encroachments on yard requirements:

(1) Chimneys, flues, belt courses, leader, sills, pilasters, lintels, ornamental features, mechanical devises, cornices, eaves, gutters, and other architectural projections, provided they do not extend more than five feet;

(2) Off-street parking spaces except as hereinafter regulated;

(3) Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a conditional use permit is secured;

(4) Fences are exempt from yard setback requirements. All fences require a permit;

(5) Any variances granting increased building height shall require setbacks from residential lots at least equal to the height; and

(6) On any lot sloping downhill from the street, an additional 12 feet of height may be permitted in the main building provided the lowest floor shall not be less than 10 feet below the average established property line grades along the front of the lot. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.

(7) Front porches and landings are allowed as long as the structure is within the setbacks of that zoning district.

(Ord. 134/94, passed 3-24-94; Am. Ord. 323, passed 1-18-01; Am. Ord. 332, passed 1-16-03; Am. Ord. 359, passed 7-21-05; Am. Ord. 453, passed 7-18-19, Am. Ord. 547; passed 9-18-25)

§ 156.057 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

(A) (1) No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building.

(2) Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the city opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

(B) Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 18 feet or more.

(C) (1) No detached accessory building shall be located in the front yard.

(2) A detached garage or utility building shall meet the following requirements:

(a) Side yard setback shall be a minimum of five feet from the side lot line.

(b) Rear yard setback shall be five feet from the rear lot line.

(c) An accessory building shall not exceed 20 feet in height.

(d) Accessory building shall not be larger or taller than the principal building.

(D) The architectural design and appearance of all buildings in the residential zone must have residential type siding as determined by Zoning Administrator.

(1) No tarp like structures allowed unless a Conditional Use Permit has been approved for a Seasonal Greenhouse or Seasonal Business Sales from April 1-June 30.

(2) No corrugated metal.

(3) No cargo containers.

(E) *Accessory buildings, structures and uses in a farming operation.*

(1) Pole type structures and corrugated metal siding are allowed.

(2) There is no maximum size of the accessory structure.

(3) The maximum height of the structure is 35 feet.

(4) The structure must be a minimum of 100 feet from the property line.

(5) Detached accessory structures cannot be in the front yard.

(Ord. 134/94, passed 3-24-94; Am. Ord. 335, passed 4-17-03; Am. Ord. 350, passed 5-20-04; Am. Ord. 420, passed 8-18-16; Am. Ord. 453, passed 7-18-19; Am. Ord. 480, passed 4-15-21; Am. Ord. 483, passed 6-16-21, Am. Ord. 543; passed 4-17-25)

§ 156.058 HOME OCCUPATIONS.

(A) The home occupation must be conducted entirely within a building and must employ no more than one person who is not a resident of the home.

(B) Such occupations as architects, artists, writers, clergy, tutors, seamstresses, and similar domestic occupations shall be permitted.

(C) Offices, barber shops, beauty parlors, dress shops and music and dance schools, or similar uses, shall require conditional use permits.

(D) When deemed appropriate, the Zoning Administrator may bring the home occupation to the attention of the Planning Commission, at which time the Planning Commission may hold public hearings, request information, or require conditions as deemed necessary to bring the home occupation into compliance with the performance criteria. The Planning Commission shall make a recommendation to the City Council for final consideration.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19)

§ 156.059 RESIDENTIAL FENCE REGULATIONS.

(A) *Permit required.* No fence or wall shall be erected or altered in any yard without a fence permit.

(B) *Construction and maintenance.* Every fence shall be constructed in a complete and substantial manner and of material reasonably suited for the purpose for which the fence was constructed. Fence material must be of chain link, wood, cement, brick, or by approval of the building official. Every fence shall be maintained in a good and safe condition at all times. The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring property or street.

(C) *Property line setback.* Fences shall be set back one foot from all property lines or, with mutual written consent of both property owners, may be placed along the property line.

(D) *Corner setback.* No fence or screen which obstructs view shall be located within 25 feet of any corner formed by the intersection of street rights-of-way as measured from the intersecting property lines.

(E) *Height.* In residential districts, fences located in front yards shall not exceed four feet in height. Fences in side yards and rear yards shall not exceed six feet in height. Residential districts that are next to commercial districts may have fences eight feet in height.

(F) *Fence variances.* Variances from the fence requirements in divisions (A) through (E) above may be allowed by the City Council only after Planning Commission review and if the following conditions are met:

- (1) Applicant must be the property owner;
- (2) Applicant must sign a fence permit and agree to abide by all its conditions; and
- (3) Applicant must provide a registered survey if the adjoining property owner does not agree to the placement of the fence. The adjoining property owner must be given ten days to respond.

(G) *Snow fence.* Snow fence may be erected for snow control from the month of October until the end of April. Snow fence may be erected around construction sites for the duration of the construction project or by discretion of the building official.

(H) *Farming operations fencing.*

- (1) Barbed wire and electric fencing are allowed.
- (2) Must be a minimum of one foot off of the property line.
- (3) Fencing does not have to be removed until the property becomes less than ten acres in size.

(I) *Other fencing.* Other types of fencing not mentioned in this section require a variance.
(Ord. 323, passed 1-18-01; Am. Ord. 453, passed 7-18-19; Am. Ord. 483, passed 6-16-21)

§ 156.060 BUILDING SIZE REGULATIONS.

(A) The minimum ground floor area (in square feet) for new construction by type of dwelling unit and number of bedrooms shall be as follows.

Dwelling Unit Type	Minimum Ground Floor Area in Square Feet				
	Efficiency	One Bedroom	Two Bedrooms	Three Bedrooms	Over Three Bedrooms
Single family	Not allowed	860	860	860	Add 100 sq. ft. for each additional three bedrooms
Two family	Not allowed	580	740	840	Add 100 sq. ft. for each additional three bedrooms
Multiple family (per unit)	500	580	720	820	Add 100 sq. ft. for each additional three bedrooms
Elderly housing (per unit)	440	520	720	820	Add 100 sq. ft. for each additional three bedrooms
Manufactured housing	Not allowed	860	860	860	Add 100 sq. ft. for each additional three bedrooms

(B) (1) Single family, two story structures shall meet 75% of minimum ground floor area.

(2) All dwelling structures, at the foundation line, shall have a minimum width of 20 feet except in B-4 Districts, and no addition may be used to attain this size.

(3) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than 60% of the lot area resulting in less than 40% landscaped in residentially zoned properties. (Ord. 134/94, passed 3-24-94; Am. Ord. 335, passed 4-17-03; Am. Ord. 350, passed 5-20-04; Am. Ord. 453, passed 7-18-19)

§ 156.061 HEIGHT REQUIREMENTS.

(A) All structures over 35 feet shall require a variance.

(B) Height limitations shall not be applied to the following structures: church spires; belfries, cupolas, and domes which do not contain usable space; monuments; water, fire, and hose towers; observation towers; flag poles; chimneys; antennas; parapet walls extending not more than three feet above the limiting height of the building; cooling towers; and farm silos provided they do not interfere with airport requirements.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19)
2022 S-17

§ 156.062 DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES.

(A) The following are development standards for residential principal and accessory structures. These standards do not apply to a rental manufactured home park in the B-4 District. These standards do apply to manufactured homes located outside of a rental manufactured home park.

(B) All residential homes to be constructed within the municipal limits shall comply fully with the following standards:

(1) All residential dwellings shall have permanent masonry or treated wood foundations which will anchor the structure, which comply with the State Building Code as adopted in this state and which are solid for the complete circumference of the house.

(2) No residential dwelling shall have a width of less than 22 feet or not less than 70% of the structure. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(3) All residential dwellings shall have roof overhangs which extend a minimum of one foot from all the walls of the structure.

(4) All siding to be utilized must give an appearance similar to conventional residential housing units.

(Ord. 99-3, passed 7-15-99)

§ 156.063 FARMING OPERATIONS.

(A) The following are development standards for farming operations:

(1) Only allowed on residential lots of ten acres or more.

(2) Number of farm animals allowed:

<i>Animal</i>	<i>Unit per acre</i>	<i>Per Acre</i>
Cow, horse	1	1
Pigs	.4	5 per 2 acres
Sheep	.1	10 per acre
Chickens	.033	30 per acre
Turkey	.018	55 per acre
Ducks	.01	100 per acre

(3) *Crops.* All legal crops are allowed and crop rotating is allowed.

(B) Accessory structures.

- (1) Can be a pole type structure and corrugated metal siding.
- (2) There is no maximum size.
- (3) Maximum height is 35 feet.
- (4) Must be a minimum of 100 feet from property lines.

(C) Fencing.

- (1) Barbed wire and electric fencing are allowed.
- (2) Must be a minimum of one foot off of the property line.
- (3) Fencing does not have to be removed until the property becomes less than ten acres in size.
(Ord. 483, passed 6-16-21)

§ 156.064 SOLAR ENERGY SYSTEMS.

(A) Purpose and Applicability. It is the purpose of this section to provide standards and requirements for the operation, siting, design, appearance, construction and use of solar energy systems in order to encourage solar energy systems in the city while protecting the general welfare of the public. Standards for the regulation of solar energy systems are based on the following two types:

(1) Accessory solar energy systems refer to solar collection systems that capture energy from the sun and convert it into electrical or thermal power primarily for on-site use. These systems can serve as a primary or additional power source for residential, commercial, or industrial structures, and any excess energy can be fed back into the electric grid. Accessory solar energy systems include building-integrated, ground-mounted, and roof-mounted solar energy systems as defined in Section 156.006

(2) Community-scale solar energy systems are designed to generate electricity on a larger scale, often for commercial or community-wide purposes as defined in Section 156.006.

(B) General standards for all solar energy systems.

(1) Exterior electrical and communication lines shall be buried below the surface of the ground when possible.

(2) All systems shall comply with all City and state building and electrical codes and permitting requirements.

(3) The property owner shall notify the electrical utility where the solar system is connected to the electrical utility system.

(4) Lot Coverage – Ground-mounted and community-scale solar energy systems are exempt from lot coverage requirements if the soil under the system is maintained in vegetation and not compacted.

(5) If the solar collector system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the 12-month period.

(6) Solar access easements may be filed consistent with Minnesota State Code 500.30. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(C) Accessory solar energy systems.

(1) Permitted accessory use – Building-integrated, ground-mounted and roof-mount solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below.

(2) Height – Accessory Solar energy systems must meet the following height requirements:

(a) Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to the zoning district's height standards in the district in which the system is located as building-mounted mechanical devices or equipment. In the district in which the system is located.

(b) Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

(3) Property line setback- Solar energy systems must meet the principle structure setback for the zoning district with the lot on which the system is located, except as allowed below.

(a) Roof- or building-mounted solar energy systems - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings. Under no circumstance may the solar energy system or any appurtenances extend past the property line or into public right of way.

(b) Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems. Under no circumstance may the solar energy system or any appurtenances extend past the property line or into public right of way.

(D) Community scale solar energy systems.

(1) Conditional Use Permit Requirement. A community-scale solar energy system may be a permitted use in the B-2 General Business District and I-1 Light Industrial zoning districts upon approval and issuance of a conditional use permit subject to certain requirements as set forth herein.

(2) Height - Community scale solar energy systems shall not exceed 15 feet in height.

(3) Setbacks - Community-scale solar arrays must meet the property line setback for the principle buildings or structures in the district in which the system is located.

(4) Off-site Glare Impact Reduction - Measures to minimize nuisance glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

(5) Site plan required. A site plan of existing and proposed site conditions and other information necessary demonstrate compliance with the applicable provisions of this section is a required submittal for the application of a conditional use permit.

(E) Only 50% of lot/land may be occupied with solar panels, where permitted.
(Ord. 544, passed 7-17-25)

OFF-STREET PARKING AND LOADING REQUIREMENTS**§ 156.075 PURPOSE.**

It is the purpose of this subchapter to provide for the regulation of and design standards for off-street parking facilities within all zoning districts in the city, to minimize congestion on the public right-of-way, and to maximize the safety and general welfare of the public.

(Ord. 134/94, passed 3-24-94)

§ 156.076 SPACE CALCULATIONS.

(A) Where calculations result in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

(B) For the purpose of calculating the number of off-street parking spaces required, floor area shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors, minus 10%.

(C) Should a building or structure contain two or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.

(Ord. 134/94, passed 3-24-94)

§ 156.077 BUILDING PERMIT APPLICATION; SITE PLAN REQUIRED.

(A) All applications for a building permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this subchapter.

(B) The plan shall be reviewed and approved in accordance with the criteria developed and approved by the Zoning Administrator.

(Ord. 134/94, passed 3-24-94)

§ 156.078 SITE DESIGN STANDARDS.

The plan for off-street parking shall meet the following site design standards:

(A) (1) All areas devoted for parking space, drive-thru's and driveways shall be surfaced with asphalt or concrete or a material approved by the Zoning Administrator, this does not include recycled asphalt or recycled concrete. All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques.

(2) Exception: When residential driveway connects with a unpaved road or alley, the driveway will not have to be paved or cemented.

(B) Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public rights-of-way.

(C) No sign shall be so located that it restricts the sight, orderly operation, and traffic movement within any parking area.

(D) All parking lots shall be screened and landscaped from abutting residential uses or districts by a fence or densely planted compact hedge or tree cover not less than four feet nor more than eight feet in height.

(E) The parking area shall meet the minimum design standards and the number of stalls required under this subchapter.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19)

§ 156.079 REDUCTION OF EXISTING SPACES RESTRICTED.

No parking or loading spaces existing upon the effective date of this chapter shall subsequently be reduced below the requirements of this subchapter.

(Ord. 134/94, passed 3-24-94)

§ 156.080 CHANGE OF USE OR OCCUPANCY; PARKING REQUIREMENTS.

No change of use or occupancy of land, or of use or occupancy of any building shall be made until there are furnished sufficient parking and loading spaces as required by this subchapter.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.081 USE OF PARKING AND LOADING SPACE.

Required parking or loading spaces shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.082 MAINTENANCE.

It shall be the joint and several responsibility of the lessee and/or owner of the principal use, uses, or building to maintain in a neat manner, the parking area, striping, landscaping, and screening.

(Ord. 134/94, passed 3-24-94)

§ 156.083 STALL, AISLE, AND DRIVEWAY DESIGN.

(A) Except single family, two family, and townhouse parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley, and the design does not require backing into the public street.

(B) Except in the case of single family, two family, and townhouses, parking areas shall comply with the following standards.

<i>Angle of Parking</i>	<i>Stall Width</i>	<i>Stall Depth</i>	<i>Minimum Driveway Width</i>
0 degrees (along curb)	9 ft.	10 ft.*	12 ft.
30 degrees	9 ft.	19 ft.	11 ft.

<i>Angle of Parking</i>	<i>Stall Width</i>	<i>Stall Depth</i>	<i>Minimum Driveway Width</i>
45 degrees	9 ft.	21 ft.	13 ft.
60 degrees	9 ft.	22 ft.	18 ft.
90 degrees	9 ft.	19 ft.	24 ft.
* Parallel parking: 22 ft. in length			

(C) No curb cut access shall be located closer than 25 feet from the intersection of two or more street rights-of-way for residential uses, and 40 feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.

(D) Curb cut openings shall be a minimum of five feet from the side property line.

(E) All property shall be entitled to at least one curb cut.

(F) All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.

(G) There shall be no maximum width of single-family residential driveways, provided all other lot coverage requirements are met.

(Ord. 134/94, passed 3-24-94; Am. Ord. 359, passed 7-21-05; Am. Ord. 373, passed 2-21-08; Am. Ord. 376, 5-15-08; Am. Ord. 453, passed 7-18-19)

§ 156.084 NUMBER OF REQUIRED SPACES.

The following minimum of off-street parking and loading spaces shall be provided and maintained.

<i>Uses</i>	<i>Number of Spaces Required</i>
Auto repair, bus and taxi terminals, boat and marine sales and repair, bottling company, garden supply store, building material sales in structure	8 spaces plus 1 additional space per 800 sq. ft. of floor area over 1,000 sq. ft.
Automobile service station (motor fuel station)	4 spaces plus 2 spaces for each stall
Boarding house, fraternity	2 spaces for each 3 persons (for whom accommodations are provided for sleeping)

<i>Uses</i>	<i>Number of Spaces Required</i>
Bowling alley	5 spaces per lane or alley
Car wash, automatic drive through	5 stacking spaces
Car wash, self-service	2 spaces
Church, theater, auditorium, or gymnasium	1 space each for each 4 seats of main assembly hall as determined by the Minnesota State Building Code
Drive-in establishment and convenience food	1 space for each 150 sq. ft. of gross floor area or number of stalls plus one-half stall for every employee
Elderly housing	One-half space per unit
Hospital	2 spaces per bed
Manufacturing, fabricating, or processing of a product or materials; warehouse, storage, or post office	1 space per 400 sq. ft. of gross floor
Miniature golf course, archery range, golf driving range	10 spaces respectively
Motels, hotels	1 space for each rental room plus spaces required for restaurant
Multiple family dwelling	2 free spaces per unit
Nursing home, day nursery, sanitarium, or rest home	4 spaces plus 1 for each 3 beds
Office buildings, banks, professional offices, animal hospitals	1 space per 200 sq. ft. of gross floor area
Restaurants, cafes, private clubs, bars, taverns, and nightclubs	1 space for 40 sq. ft. of gross floor area of dining and bar area and 1 space per 80 sq. ft. of kitchen area
Retail sales and services with 50% or more of floor area devoted to storage, warehouse, and/or industry	1 space per 200 sq. ft. of gross floor area devoted to sales or service plus 1 space per 500 sq. ft. of storage area
Retail store and service establishment	1 space per 250 sq. ft. of floor area

<i>Uses</i>	<i>Number of Spaces Required</i>
Schools Elementary or Jr High School	1.5 spaces for each classroom, plus 1 space for every 75 sq. ft. of assemble are in an auditorium, plus 1 bus loading space for each 100 students or portion thereof.
High School	5 spaces for each classroom, plus 1 space for each 75 sq. ft. in assemble rooms and auditoriums, plus 1 bus loading space for each 100 students or portion thereof.
Single family, two family, and townhouse dwelling	2 spaces per unit
Skating rink, dance hall, and public auction house	1 space per 200 sq. ft. of gross floor area
Undertaking establishments	1 space per 50 sq. ft. of gross floor area

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19)

§ 156.085 JOINT FACILITIES; PERMIT.

The City Council may, after receiving a recommendation from the Planning Commission, approve a conditional use permit for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:

- (A) The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of those parking facilities;
- (B) The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and
- (C) The provisions of other sections of this chapter are considered and satisfactorily met.

(Ord. 134/94, passed 3-24-94)

§ 156.086 OFF-STREET LOADING; SPACE REQUIREMENTS.

Loading space required under this subchapter shall be at least 50 feet long and 10 feet wide. The regulations of this subchapter are not applicable in the B-1 District. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet, shall be provided with an off-street loading space. An

additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

(Ord. 134/94, passed 3-24-94)

GENERAL DEVELOPMENT STANDARDS

§ 156.100 PURPOSE AND APPLICATION.

(A) *Purpose.* The provisions of this subchapter are to establish general development standards to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety, and general welfare of the city.

(B) *Application.* All general development standards hereinafter specified shall be applicable throughout the city and shall be enforced in addition to the regulations set down under district use provisions.

(Ord. 134/94, passed 3-24-94)

§ 156.101 NUISANCE STANDARDS.

(A) *Compliance required.* All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the applicant.

(B) *Noise.* Any use established shall be so operated that no undue or objectionable noise resulting from the use is transmitted beyond the boundaries of that lot or property on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction, or maintenance operation unless the noise is persistent or reoccurring and poses a threat to the health, safety, or welfare of nearby residents.

(C) *Vibration.* Any use creating periodic vibration shall be prohibited if the vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

(D) *Waste material.* No toxic, harmful waste material shall be washed into the public storm sewer nor the sanitary sewer system. Storage areas for waste material shall be located and fenced in a satisfactory manner to avoid being a public nuisance. No toxic or harmful liquid or solid waste shall be disposed of in the city.

(E) *Glare and heat.* Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent the heat or light from being objectionable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R Districts and public streets.

(F) *Smoke and particulate matter.* Any use established, enlarged, or remodeled after the effective date of this chapter shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to nor shall endanger the public health, safety, comfort, or general welfare.

(G) *Toxic or noxious matter.* Any use established shall be so operated as not to discharge toxic or noxious matter in such a concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or to cause injury or damage to property or business.

(H) *Odors.* Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous or solid matter of such a quality and quantity as to be objectionable at any point beyond the lot line of the site on which the use is located.

(I) *Water pollution.* All uses and activities shall conform to all applicable federal, state, and local water pollution standards and/or controls in effect.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.102 STORAGE STANDARDS.

(A) *Exterior storage.* All materials and equipment shall be stored within a building or fully screened so they will not be visible from adjoining properties, except for the following: laundry drying and currently licensed recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are uses or otherwise regulated herein. Currently licensed boats, currently licensed unoccupied recreational vehicles and currently licensed fish houses are permissible if stored in the rear yard not less than five feet distant from any property line. Existing uses shall comply with this provision within 12 months following enactment of this chapter.

(B) *Bulk storage (liquid).* Persons responsible for all uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall apply for and obtain a conditional use permit in order that the City Council may have assurance that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. All existing above-ground liquid storage tanks having a capacity in excess of 2,000 gallons shall secure a conditional use permit within 12 months following enactment of this chapter; the City Council may require as a condition to the permit, the development of berms around the tanks, suitably sealed, to hold a leakage capacity equal to 115% of tank capacity. Any existing storage tank operation

that, in the opinion of the City Council, constitutes a hazard to the public safety shall be discontinued within five years following enactment of this chapter. All liquid storage tanks that are not being used or have been abandoned shall be removed. All storage facilities shall comply with state Pollution Control Agency regulations.

(C) No RV's, campers, travel trailers, motor homes, tents, fish houses or other recreational vehicles may be occupied or hooked up to utilities in any zoning district for more than five days in a 30 day time frame except in a designated campground area.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.103 VISUAL STANDARDS; SCREENING.

Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property if abutting property owners petition the Planning Commission for this action and/or it is requested by the Planning Commission. The general type and extent of the screening (such as a fence and/or landscaping) shall be selected by the Planning Commission to visually separate the different land uses and to discourage persons from entering the business or industrial use area.

(Ord. 134/94, passed 3-24-94)

§ 156.104 ROADSIDE STANDARDS; SETBACKS AND SIGNS.

(A) Only signs authorized by the state, county, and city and used for official service shall be allowed within the public right-of-way.

(B) No advertising or business signs shall be erected which block safe driving vision, official signs, and safety signals; nor shall these signs have flashing lights, or moving parts which may cause highway traffic hazards; and signs shall conform to state law and shall meet the requirements of §§ 156.130 *et seq.*
(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.105 MAINTENANCE STANDARDS.

In all districts, all structures, required landscaping, and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

(Ord. 134/94, passed 3-24-94)

§ 156.106 DRAINAGE STANDARDS.

No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other suitable facility.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.107 TRAFFIC CONTROL; DRIVEWAY LOCATION.

(A) *Traffic control.* The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through residential areas. Traffic into and out of all business and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrian ways.

(B) *Driveways.* The distance from a driveway to the intersection of two streets shall not be less than 35 feet, provided however, that if in the opinion of the Engineer, present or future traffic conditions warrant greater distances, greater distances shall be required subject to approval by the City Council. The distance from a driveway to the intersection of two thoroughfares shall be no less than 60 feet.

(Ord. 134/94, passed 3-24-94)

§ 156.108 INOPERATIVE MOTOR VEHICLES.

(A) No person shall leave any partially dismantled, inoperative, wrecked, or junked vehicle on any public road or public property.

(B) No person in charge or control of any property shall allow any partially dismantled, inoperative, wrecked, or junked vehicle to remain on private property longer than 30 days where the vehicle is visible from a public road or the main floor of any dwelling; nor shall any unlicensed vehicle capable of being operated remain on the property if the vehicle has been unlicensed in the current year, except as a vehicle used on the property without the requirement of a license.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.109 HAZARDOUS ELEMENTS STANDARDS.

(A) *Explosives.* Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation, shall be located not less than 400 feet from any R district line or any

buildings on adjacent land and any public right-of-way, provided that this section shall not apply to the storage or usage of liquified petroleum or natural gas for normal residential or business purposes.

(B) *Radiation and electrical emission.* No activities shall be permitted that emit dangerous radioactivity, or electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment, including but not limited to radio and television.
(Ord. 134/94, passed 3-24-94)

§ 156.110 FEED LOTS; LIVESTOCK POLLUTION.

(A) No manure shall be deposited, stored, kept, or allowed to remain in or upon any storage site or feed lot without reasonable safeguards adequate to prevent the escape or movement of the manure or a solution thereof from the site under any conditions whereby substantial pollution of any waters of the state might result therefrom.

(B) In the case that the Zoning Administrator shall find adequate safeguards are not present, he or she may by order require the owners or other responsible persons to immediately remove the manure from the feed lot or storage site and refrain from further storage or keeping of any manure there unless and until an adequate safeguard is provided.

(C) No feed lot or manure storage site shall be located within 500 feet of a residential structure of an abutting lot.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.111 DEMOLITION; SOLID WASTE REMOVAL.

Materials from the demolition of structures in the city shall not be buried in the city. The foundation walls, foundations and footings must be removed from the site of the demolished building.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.112 MINING, SAND, AND GRAVEL EXTRACTION; PERMIT.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MINING. The extraction of sand, gravel, rock, soil, or other material from the land in the amount of 400 cubic yards or more and the removal from the site without processing.

(B) Persons shall be permitted to mine in all zoning districts only upon issuance of a conditional use permit following a public hearing.

(C) Application for the permit shall include a land rehabilitation plan for a finished grade which will not adversely affect the surrounding land or future development of the site on which the mining is conducted; an approved route for trucks hauling to and from the site; and adequate safeguards and protection against danger to life and property.

(D) Production, processing, or excavating shall not be conducted closer than 75 feet to the boundary of adjoining property. Excavating shall not be done closer than 150 feet to the public right-of-way, except in order to reduce the elevation thereof in conformity to the existing platted street, road, or highway.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.113 LAND RECLAMATION STANDARDS.

All land reclamation shall meet the following standards:

(A) The smallest amount of bare ground is exposed for as short a time as feasible.

(B) Temporary ground cover is used and permanent ground cover, such as sod, is planted.

(C) Methods to prevent erosion and trap sediment are employed.

(D) Fill is stabilized to accepted engineering standards.

(E) Final slopes for cut slopes should be a maximum of 1:1 or 100%; fill slope of 3:1 or 30%; and grade or construction slope of 5:1 or 20%.

(Ord. 134/94, passed 3-24-94)

§ 156.114 LANDSCAPING.

All open areas of any site, tract, or parcel shall be graded to provide proper drainage, and, except for areas used for parking, drives, or storage, shall be landscaped with trees, shrubs, or planted ground cover. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All vacant lots, tracts, or parcels shall also be properly maintained.

(Ord. 134/94, passed 3-24-94)

§ 156.115 SEWAGE DISPOSAL.

(A) Public or municipal sewage collection and treatment systems shall be used where available, feasible, and in accordance with applicable city ordinances.

(B) Where applicable, private septic tanks or soil absorption systems may be utilized in accordance with the following:

(1) All individual septic tanks or soil absorption systems shall be a minimum of 50 feet from the nearest well.

(2) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, Minn. Rules, Chapter 7080, as amended from time to time, and regulations of the State Pollution Control Agency, and any applicable local governmental regulations in terms of size, construction, use, and maintenance.

(3) Location and installation of a septic tank and soil absorption system shall be so that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, accessibility for maintenance, and possible expansion of the system. Both percolation rate tests and soil boring tests shall be done on any proposed sites prior to approval of a permit, in accordance with State Pollution Control Agency standards, Minn. Rules, Chapter 7080, as amended from time to time.

(4) Alternative methods of sewage disposal such as holding tanks, privies, or electric or gas incinerators may be allowed only where municipal sewer is not available provided they meet the standards and regulations of the State Pollution Control Agency and State Department of Health.

(5) Soil absorption systems shall not be allowed in the following areas:

(a) Low, swampy areas or areas adjacent to recurrent flooding;

(b) Areas where the highest known ground water table, bedrock, or impervious soil conditions are within four feet of the bottom of the system; or

(c) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19)

§ 156.116 EXISTING NONCONFORMING USES AND STRUCTURES; RESTRICTIONS.

(A) Any lawful nonconforming use existing on the date of this chapter may be continued, except that any nonconforming use or building may not be:

- (1) Changed to another nonconforming use;
- (2) Re-established after discontinuance for one year, or if it has been changed to be in conformity;
- (3) Rebuilt after damage exceeding 50% of its fair market value; or
- (4) Expanded or moved to a location so as to continue as a nonconforming use.

(B) Any structure which will, under this chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this chapter or amendment thereof and continues to completion within one year shall thereafter be a legally existing nonconforming structure.

(C) Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(D) Nonconforming agricultural uses are regulated in § 156.117 below.
(Ord. 134/94, passed 3-24-94)

(E) Any existing residential building constructed before January 1, 2001 and located in the B-1 Central Business district or the B-2 General Business District shall be allowed to rebuild, expand, or add accessory buildings, provided the zoning requirements stated for the R-2 Family Residential District are met.

(Ord. 325, passed 1-18-01)

§ 156.117 EXISTING FARMING OPERATIONS; RESTRICTIONS.

All farm operations currently in existence that are under ten acres in size will be permitted to continue operation subject to the following conditions:

(A) Farming operations of less than ten acres, excepting commercial feed lots, are nonconforming uses in the district in which an existing operation is located, provided that any new building in which farm animals are kept shall be a distance of 100 feet or more from any other lot in any residential district.

(1) If the property currently has farm animals, it can continue to have farm animals under the nonconforming use ordinance.

(2) If the property is used only for crops, farm animals will not be allowed. The property is allowed to crop rotate and maintain crops as a nonconforming use.

(B) Limited sales of products produced may be conducted on the premises from a roadside stand, but the stand shall not exceed 12 feet in height or 500 square feet in floor area, and no portion of any stand shall be located or erected nearer than 40 feet from any street right-of-way.

(C) The city may require any farm operation to secure a conditional use permit to continue operation in the event the farming operations are so intensive as to constitute a feed lot or an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

(D) Nothing in this chapter shall be deemed to prevent the restoring to a safe condition any building or part thereof declared unsafe by the official charged with protecting the public safety, upon order of that official.

(Ord. 134/94, passed 3-24-94; Am. Ord. 483, passed 6-16-21) Penalty, see § 10.99

SIGNS AND BILLBOARDS

§ 156.130 DEFINITIONS.

(A) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMATED SIGN. A sign which includes action or motion.

BILLBOARD. A sign erected for the purpose of advertising a product, event, service, person or subject which is not entirely related to the premises on which the sign is located.

FLASHING SIGN. An illuminated sign which contains flashing lights or has notable changes in light intensity.

POLITICAL SIGN. A sign which includes the name or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political view or policies, which is erected on private property by a bona fide candidate for political office or by a person or group supporting such a candidate and which contains the name and address of the person or group responsible for the erection and removal of the sign.

REAL ESTATE SIGN. A sign pertaining to the sale, lease, or rental of the real estate upon which it is located.

SIGN. Any structure, device, advertisement, or visual representation intended to visually advertise, identify, or communicate information, or to visually attract the attention of the public for any purpose, unless located within a building and not visible from the exterior of the building, including any beacon or search light intended to attract the attention of the public for any purpose, and any structure or device the primary purpose of which is to illuminate, animate, or project a visual representation, but excluding official notices issued by any court or government body, notices posted by a public official in the performance of official duties, or traffic-control **SIGNS** established under governmental authority.

ZONED OR ZONING DISTRICTS. The zoning classification of a particular piece of property according to the comprehensive Zoning Map of the city.

(B) *City Council.* All appeals, permit authorizations, special exceptions, and variances as well as public welfare concerns such as determinations as required by § 156.135(G) shall be acted upon and determined solely by the Council.

(Ord. 310, passed 2-18-93)

§ 156.131 SIGN PERMIT REQUIRED.

A sign permit is necessary prior to the installation or remodeling of any sign, except those signs set forth in § 156.132 below. Application for a permit shall be submitted on a form to be provided by the City Building Inspector. All permit applications shall be accompanied by payment of a sign permit fee to the city in an amount designated in Chapter 34 of this code, which fee is in addition to any required building permit fee. The City Council may from time to time change the amount of the sign permit fee.

(Ord. 310, passed 2-18-93; Am. Ord. 453, passed 7-18-19)

§ 156.132 SIGNS PERMITTED WITHOUT PERMIT.

The following described signs are permitted without a sign permit:

(A) A temporary real estate or construction sign not exceeding eight square feet is permitted on property being sold, leased, or developed. These signs shall be removed when the property is sold, developed, or occupied. In B-1 zones, a temporary real estate sale/lease or construction sign may be permitted which sign shall not exceed two feet by two feet in size. All signs of this type shall be removed from the premises within 60 days following completion of the sale, lease, or construction.

(B) All non-commercial signs of any size may be posted from August 1 in a state general election year until 10 days following the state general election, from 30 days before the special election to 10 days after a special election.

(C) Special events temporary signs for non-profit organizations are permitted which are temporary displays which are erected to celebrate, commemorate, or observe a civil or religious holiday. These signs shall be removed from the premises within ten days following completion of the special event. The special event signs shall not exceed four feet by eight feet in size.

(1) Special events temporary signs shall not be erected more than 90 days before the date of the special event; an extension of this time limit may be obtained only by variance.

(2) Public portable signs may be erected by the city and/or a non-profit corporation to advertise community-interest events and which public portable signs shall be placed upon public property. All public portable signs shall not be erected more than seven days before the date of the special event and shall be promptly removed following the event.

(D) In residential areas, one sign per single lot advertising a garage sale is permitted if the sign meets the following qualifications:

(1) The sale is not part of or used in connection with a commercial enterprise;

(2) The sign may not be larger than four square feet;

(3) The sign must be removed within 72 hours of the time when it is erected;

(4) No sign shall be affixed or in any way attached to a tree or shrub nor to any city street or avenue sign or post; and

(5) In addition, no garage sale sign shall be permitted to be publicly displayed more than one consecutive 72-hour period during any consecutive four-month period.

(E) Identification signs for one or two family dwellings are permitted, provided that these signs are less than two square feet in area.

(F) Pedestrian, vehicular traffic, and parking directional signs in parking lots are permitted, provided that these signs are less than nine square feet in area.

(G) Traffic-control signs, non-commercial governmental signs, railroad crossing signs, and temporary non-advertising safety or emergency signs are permitted.

(H) Temporary signs are permitted which shall not exceed 40 feet in total square footage, are not placed on the principal business building, and shall not be placed, whether in the initial placement and/or a changed placement on the premises, more than 90 days per consecutive 12-month period.

(I) In B-1, B-2 or I-1, temporary banners including and up to three feather flag banners are permitted which shall not exceed a total of 120 square feet in size, shall be secured in a manner so as to not flap nor flutter nor cause audible noise, and shall not be in place, whether in the initial placement and/or a changed placement on the premises, for more than 90 days per consecutive 12-month period.
(Ord. 310, passed 2-18-93; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.133 NON-BILLBOARD SIGNS PERMITTED WITH A PERMIT.

(A) Bulletin boards not exceeding 32 square feet used in connection with any church, school, or similar public building, are permitted.

(B) Except in areas zoned R-1, R-2, and R-3, business signs shall be permitted if they meet the following requirements:

(1) Signs shall not contain information or advertising for any product not sold on the premises.

(2) Signs shall not have a combined aggregate surface size greater than five square feet for each foot of width of the principal structure of the premises.

(3) The sign attached to a building shall be flush mounted with the wall of the building and not exceed 12 inches in depth.

(4) Signs shall not extend beyond the side edge or the roof of the building.

(5) Signs may be illuminated but the source of light must be hidden. Outside lights shall be deemed part of the sign. Illumination of any sign must be kept in good repair, provided that no sign can be erected involving flashing lights or lighting which constitutes a traffic hazard.

(6) Signs must be constructed of a durable exterior material and meet all applicable building and electrical codes at the time of installation, repair, or replacement.

(7) Signs painted on buildings must also meet all applicable building and electrical codes at the time of installation, repair or replacement, and painted signs must be repaired and maintained without excessive fading, chipping, or peeling.

(C) Agricultural signs located on property which is used for agricultural purposes, and where the tract of land used for these purposes is in excess of 86,000 square feet, are permitted.

(D) The city may furnish and install, use, and maintain a business location directional sign which may be placed on city street, avenue, and alley rights-of-way. The city shall charge an annual fee therefor which shall include the sign costs and cost of installation thereof which amount shall be set, at least annually, by the City Council. Each individual business location directional sign shall not exceed three square feet in size. The color, size, and sign design shall be established by the City Manager-Clerk subject to the approval thereof by the City Council.

(E) One free-standing business sign, not exceeding 30 feet in total height nor exceeding 400 square feet in size on a single side of the sign on any single business premise, is permitted. More than one free-standing business sign on a single premise shall be permitted only by variance granted pursuant to § 156.138. The free-standing business sign shall conform to all requirements of this section and shall also conform to § 156.135(G). Any free-standing business sign shall not project onto or over any public right-of-way.

(F) One portable business sign not exceeding 32 feet in total size shall be permitted on any single business premise for a period not exceeding 90 days per consecutive 12-month period. All portable business signs shall be placed only on private property and shall comply with and conform to all requirements of § 156.135(G). Any time extension shall be only by variance in accordance with § 156.138. (Ord. 310, passed 2-18-93; Am Ord. passed 3-24-94; Am. Ord. 350, passed 5-20-04; Am. Ord. 453, passed 7-18-19; Am. Ord. 483, passed 6-16-21) Penalty, see § 10.99

§ 156.134 HOME OCCUPATION SIGNS; PERMIT.

The city may issue a permit for the establishment and maintenance of home occupation signs in any zoned district of this city, provided that the permit is issued subject to the following conditions:

(A) Application for a sign to be constructed under this section shall be submitted to the city on a form to be provided by the Building Inspector.

(B) No home occupation sign shall exceed two feet by three feet in exterior size.

(C) No home occupation sign shall be illuminated.

(D) There shall not be more than one home occupation sign permitted for any single home occupation on any single lot; in the event the home occupation is located on more than one contiguous lot, only one sign is permitted.

(E) Only permitted if the property had received a CUP for a home occupancy.
(Ord. 310, passed 2-18-93; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.135 BILLBOARDS IN B-1 AND B-2 DISTRICTS.

(A) The City Council may, in its discretion, permit the construction and existence of free-standing signs which are not permitted signs under §§ 156.132 and 156.133 and are situated/located along state Trunk Highway 169, Central Avenue (county-state aid Road 36), and state Trunk Highway 23, in areas zoned B-1 and B-2. No such signs shall be permitted in any residential (R) zoned district.

(B) The grant of permit for any of these signs shall be subject to the following conditions:

(1) Application for a sign to be constructed under this section shall be submitted to the City Council on a form to be provided by the Building Inspector.

(2) There shall be an annual billboard sign permit fee of not less than \$240 which shall be due and payable to the city by the sign permit applicant and which shall be tendered to the city in full upon making the initial billboard sign permit application. The annual billboard sign permit fee shall be pro-rated by the month during the initial application year and thereafter shall be due and payable to the city in full on January 2 of each succeeding year. The billboard sign permit fee shall be non-refundable.

(C) All such signs or billboards shall be placed not closer than 1,200 lineal feet from the nearest billboard on the same side of the same highway, street, or avenue facing traffic proceeding in the same direction.

(D) All such signs or billboards shall be placed so that the sign's nearest physical dimension shall not be closer than ten feet from the nearest right-of-way line of the closest or nearest city avenue, street, or highway.

(E) (1) No sign or billboard shall be located adjacent to or within 750 feet of an interchange, intersection at grade, or safety rest area.

(2) Also, no sign or billboard shall be located within 750 feet of the point where the outmost ramps or legs (exit and/or entrance ramps) leave or enter the main traveled roadway nor for 750 feet on the other highway or road from the point of its intersection with the ramps or legs nor in the area between these points. Where appropriate from an engineering point of view, this 750 feet shall be measured along the highway, street, or avenue from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

(F) No such sign or billboard shall be taller than 30 feet from the ground base of the sign and shall contain not more than 400 square feet of surface on the sign's major or principal surface side.

(G) A permit will be issued only if the sign to be erected blends harmoniously with the scale of the neighborhood, does not distract or cause confusion to motorists and pedestrians and does not conflict with the purpose of this subchapter to preserve and enhance aesthetic value of the commercial areas. In furthering these objectives, the City Council may, as a condition of issuing the permit, place restrictions on the type of sign to be erected and maintained. These restrictions may include, but are not necessarily limited to, the size of the sign; the denial of use of lighting; the amount and type of lighting if lighting is permitted; the location of the sign on the property; and the type of construction to be used for the sign.

(H) A permit will be issued only if the City Council finds the following conditions exist:

(1) The sign is supported by one center standard which standard shall be of steel, reinforced concrete, or similar material which is sufficient in size and strength to fully support the sign and maintain vertical integrity upon a surface wind-load of not less than 80 miles per hour wind speed.

(2) Eight feet of clearance shall exist between grade levels and the bottom of the sign.

(3) The sign cannot be attached to any building or structure and must be 15 feet from any surrounding buildings or structures.

(I) No billboard shall be permitted closer than 700 feet to any abutting property boundary line nor closer than 700 feet to any residential zoned district.

(Ord. 310, passed 2-18-93; Am. Ord. 453, passed 7-18-19) Penalty, see § 10.99

§ 156.136 EXISTING NONCONFORMING SIGNS; RESTRICTIONS.

(A) Any nonconforming sign now existing in this municipality which violates the provisions of this subchapter may not be:

(1) Improved or upgraded in any manner, beyond normal repair and maintenance, which may extend the useful life of the sign or sign structure. The Building Inspector shall determine if the repair or maintenance qualifies under this section, and his or her determination may be appealed to the City Council;

(2) Changed to another nonconforming sign or sign structure by means of changing the design, shape, or lighting;

(a) Relamping is permitted provided that no change is made in the color, shape, shielding, or intensity of the light.

(b) Painting of the sign and sign structure is permitted provided that no change is made in shape, size, design, or reflectiveness of the sign or sign structure.

(3) Enlarged or expanded in any way;

(4) Relocated unless the sign and sign structure will then conform to all other provisions of this subchapter;

(5) Repaired, rehabilitated, or re-established after damage or destruction amounting to 50% of the fair market value as determined by the Building Inspector;

(6) Re-established after discontinuance or abandonment of the sign for one year or where the business advertised on the sign has permanently ceased operation for one year or more; or

(7) Continued for a period of more than one year after a change in the effective control of:

(a) The land and/or building upon which the sign is located; or

(b) The business to which the sign relates.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

EFFECTIVE CONTROL. The control exercised over property by a business proprietor, whether as owner or lessee, or by an owner or lessee of other property.

(Ord. 310, passed 2-18-93) Penalty, see § 10.99

§ 156.137 REMOVAL OF SIGNS.

The Building Inspector may order the removal of any sign erected or maintained in violation of this subchapter. Ten days' notice in writing shall be given to the owners of the sign, or the owner of the building, structure, or premises on which the sign is located, to either bring the sign into compliance with this subchapter, or effect its removal. Upon failure to remove the sign or to comply with this notice, the Building Inspector shall remove the sign with the permission of the owner. If permission is not granted, the Building Inspector is authorized to obtain an administrative search and seizure warrant. The Building Inspector shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign presents an immediate threat to the safety of the public. Any cost of

removal incurred by the city shall be assessed to the owner of the property on which the sign is located or may be collected in appropriate legal proceedings. In the event of successful legal proceedings to collect the cost of removal hereunder, as a part of its judgment the city shall be entitled to judgment against the defendant-violator for its costs and disbursements, including reasonable attorney's fees.

(Ord. 310, passed 2-18-93)

§ 156.138 VARIANCES.

The City Council following a public hearing by the Board of Adjustments and Appeals may issue a variance from the application of any section of this subchapter upon due application therefor, payment to the city of a fee as designated in Chapter 34 of this code, and in accordance with and pursuant to the provisions of Chapter 34.

(Ord. 310, passed 2-18-93)

§ 156.139 VIOLATION.

It shall be unlawful for any person, firm, or corporation to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this subchapter. Any person who violates any provision of this subchapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and 90 days in jail, or both.

(Ord. 310, passed 2-18-93) Penalty, see § 10.99

§ 156.140 INJUNCTIVE RELIEF.

In addition to all other remedies available under this subchapter or other law, the city shall have the right to apply to the courts for injunctive relief; the court granting equitable relief shall also grant the city judgment against the defendant ordering the defendant to pay to the city its suit costs and disbursements including reasonable attorney's fees incurred in bringing the action.

(Ord. 310, passed 2-18-93)

§ 156.141 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT.

Temporary off-premise special event signs commemorating a special event, business anniversary, limited hours, grand opening or other promotion may be permitted, subject to the following:

(A) Permit requirements.

(1) *Permit application.* A temporary off-premise sign permit application form signed by the applicant and the property owner upon whose property the sign will be erected, together with a fee set by Council resolution, shall be submitted to the Building Official, who is hereby authorized to review and approve permits for temporary off-premises signs.

(2) *Duration of permit, expiration, sign removal required.* All permits issued hereunder shall be for a maximum duration of seven calendar days and shall automatically expire after this period. Upon permit expiration, the applicant shall cease to display any and all signs approved by the permit.

(B) *Limitation on permits.*

(1) No more than two temporary signs per permit are permitted under this section shall be allowed to any business entity at one time.

(2) No more than 12 permits per calendar year shall be issued to any business entity.

(3) If two or more permits are obtained in succession by any applicant, both permits shall be counted for the purpose of determining the yearly limitations of this section.

(4) Maximum temporary sign size shall be limited to 16 square feet.

(C) *Location/setbacks.*

(1) Signs may be placed in any zoning district.

(2) Signs may be located off the premises of the business sponsoring the special event.

(D) *Sign requirements.*

(1) Signs shall be erected and maintained so as to present no danger to the public.

(2) The applicant shall be responsible for locating all utilities.

(Ord. 395, passed 10-18-12)

ADULT ORIENTED BUSINESS AND ADULT USE BUSINESS

§ 156.145 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ORIENTED BUSINESS/ADULT USE BUSINESS. Any business engaged in adult uses.

ADULT USES. Adult uses include adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse sauna facilities, adult clubs, adult cabarets, adult companionship establishments, adult rap/conversation parlors,

adult health sport clubs, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, business or places open to some or all members of the public, or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. This includes bars and /or businesses where upper and/or lower extremities are exposed, nude dancing, strip clubs, and dancing establishments with any type of partial or full nudity. Activities classified as "obscene" as defined by M.S. § 617.241, as may be amended, are not included.

(1) **SPECIFIED ANATOMICAL AREA.** Means any of the following:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola;
- (b) Human male genitals in a discernible turgid state, even if opaquely covered.

(2) **SPECIFIED SEXUAL ACTIVITIES.** Includes any of the following:

- (a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, intercourse, necrophilia, oral copulation, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
 - (b) Actual or simulated of any of the following: use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - (c) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
 - (d) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
 - (e) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
 - (f) Human excretion, urination, menstruation, vaginal or anal irrigation.
 - (g) Excretory functions as part of or in connection with any of the activities set forth in (a) through (f) above.

ADULT USES - ACCESSORY. The offering of retail goods for sale which are classified as adult oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult oriented books or magazines, or the sale and/or rental of adult use motion pictures, the sale of adult novelties.

ADULT USES - PRINCIPAL. The offering of goods and/or services which are classified as adult oriented uses as a primary or sole activity of a business or establishment and include, but are not limited to the following:

ADULT USE - BODY PAINTING STUDIO. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

ADULT USE - BOOKSTORE, VIDEO STORE, OR ADULT STORE. A commercial establishment which as a principal business purpose offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

ADULT USE - CABARET. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear semi-nude or in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT USE - COMPANIONSHIP ESTABLISHMENT. An establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

ADULT USE - CONVERSATION/RAP PARLOR. A conversation/rap business which offers to engage customers in the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE - HEALTH/SPORT CLUB. A health/sport club which is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE - HOTEL OR MOTEL. Adult hotel or motel means a hotel or motel or similar establishment, which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT USE - MASSAGE PARLOR, HEALTH CLUB. A massage parlor or health club which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE - MINI-MOTION PICTURE THEATER. A building or portion of a building with a capacity for less than 50 people used for presenting material if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE - MODELING STUDIO. An establishment whose major business is the provision, to customers, of figure models, who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT USE - MOTION PICTURE ARCADE. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or customer operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT USE - MOTION PICTURE THEATER. A building or portion of a building with a capacity of 50 or more people used for presenting material via still or motion picture machine, projectors, or other image producing devices to show images to customers or guests if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT USE - NOVELTY BUSINESS. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

ADULT USE - SAUNA. A sauna which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE - STEAM ROOM/BATHHOUSE FACILITY. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(Ord. 345, passed 4-15-04)

§ 156.146 ADULT USE ZONING PROHIBITIONS.

(A) *Purpose.* The purpose of this section is to establish provisions for the opportunity as well as controls of adult uses within the city.

(B) *General provisions.* Adult uses as defined in this chapter shall be subject to the following general provisions.

(1) Activities classified as obscene as defined by M.S. § 617.241, as may be amended, are not permitted and are prohibited.

(2) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also used for residential purposes.

(3) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also licensed to sell intoxicating liquor, non-intoxicating malt liquor or wine.

(4) An adult use which does not qualify as an adult use-accessory, shall be classified as an adult use-principal.

(C) *Adult uses-principal.*

(1) Adult use-principal shall be located at least 150 radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of any of the following:

(a) Residentially zoned property;

(b) A licensed day care center;

- (c) A public or private educational facility classified as an elementary, junior high or senior high;
- (d) A public library;
- (e) A public park;
- (f) Another adult use-principal;
- (g) An on-sale liquor establishment; or
- (h) Any church, synagogue or other principal place of worship of any duly organized religious organization.

(2) Adult use-principal activities, as defined by this chapter, shall be classified as one use. No two or more adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to this section.

(3) Adult Use - Principal activities, as defined by this chapter shall be allowed only upon property zoned Industrial.

(D) *Adult uses-accessory.*

(1) Adult use-accessory shall:

- (a) Comprise no more than 10% of the floor area of the establishment in which it is located or shall comprise an area no greater than 100 square feet of floor area in which it is located, whichever is smaller.

- (b) Comprise no more than 20% of the gross receipts of the subject business operation at the subject location.

- (c) Not involve or include any activity except the sale or rental of merchandise.

(2) Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access.

- (a) Movie rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.

- (b) Magazines. Publications classified or qualifying as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

(c) Other use. Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the City Council.

(3) Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(E) *Nonconforming adult use-principal or accessory.* Adult uses which are classified as legal nonconforming uses may continue in accordance with the provision of this chapter, except that any such nonconforming use shall be terminated and become illegal 60 days after the adoption of Ord. 345. To the extent possible the city shall attempt to identify all such uses which become classified as nonconforming under the provisions of this subdivision and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the Council for an extension of the termination date. Any such application shall be in writing and be received by the city no later than 60 days upon adoption of Ord. 345. Failure to submit a timely extension application shall constitute a waiver of the right to request an exception, if upon the Council's determination, the applicant demonstrates that the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment. The applicant shall have the burden of proof to demonstrate hardship with the established termination date and also the time required for an extension. In making its decision, the Council may consider any factor relevant to the issues, including but not limited to:

- (1) The degree of magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.
- (2) The length of time that the adult use has been operating.
- (3) The ease by which the property could be converted to a conforming use.
- (4) The nature and character of the surrounding neighborhood.
- (5) The value and condition of the improvements on the property.
- (6) The amount of the applicant's investment in the business.
- (7) The amount of investment already realized.
- (8) The cost of relocating the adult use.

(F) *Sign restrictions.* Adult use-principal shall adhere to the following signing regulations in order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding adult use businesses, the following sign regulations shall apply to all adult use businesses in the city notwithstanding any other provision of this chapter:

(1) All signs shall be flat wall signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.

(2) The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street not to exceed 80 square feet. The total number of signs on the building shall be two. The allowable size shall include the total square feet of all signs combined.

(3) No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the outside of the building.

(4) No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

(5) Sign messages shall be generic nature and shall only identify the type of business which is being conducted.

(6) Sign messages shall not contain material classified as advertising.

(Ord. 345, passed 4-15-04)

ZONING AMENDMENTS AND CONDITIONAL USE PERMITS

§ 156.150 APPLICATION PROCEDURE.

(A) Request for chapter amendments or conditional use permits, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer the application, along with all related information, to the city Planning Commission for consideration and a report at least 15 days before the next regular meeting.

(B) The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of the hearing shall be posted as provided by state law at least ten days prior to the date of the hearing. For conditional use permits and for amendments, notice shall be mailed not less than ten days prior to all property owners of record according to the county assessment records, within 350 feet of the property to which the request relates. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made.

(C) The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within 15 days of that meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer the application, along with all related information, to the Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

(D) The Planning Commission shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based upon, but not limited to, the following factors:

- (1) Relationship to the city's growth management system/Comprehensive Plan;
- (2) The geographical area involved;
- (3) Whether the use will tend to or actually depreciate the area in which it is proposed;
- (4) The character of the surrounding area; and
- (5) The demonstrated need for the use.

(E) The Planning Commission, City Council, and city staff shall have the authority to request additional information from the applicant concerning operational factors, this information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.

(F) The Planning Commission shall make a finding of fact and recommend actions or conditions, including explanations of any negative votes, relating to the request to the City Council.

(G) For all conditional uses, the following conditions shall be met:

(1) The land area and setback requirements of the property containing the use or activity shall be the minimum established for the district.

(2) Where applicable, all city, state, and federal laws, regulations, and ordinances shall be complied with and all necessary permits secured.

(3) Adequate off-street parking and loading shall be provided in accordance with §§ 156.075 *et seq.* This parking and loading shall be screened and landscaped from abutting residential uses in compliance with this subchapter.

(4) The proposed water, sewer, and other utilities shall be capable of accommodating the proposed use.

(5) The street serving the proposed use or activity shall be of sufficient design to accommodate the proposed use or activity, and the use or activity shall not generate such additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.

(6) All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.

(7) All open and outdoor storage, sales, and service areas shall be screened from view from the public streets and from abutting residential uses or districts.

(8) All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.

(9) The use or activity shall be properly drained to control surface water runoff.

(10) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.

(11) Where structures combine residential and non-residential uses, these uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

(H) Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the application and/or report and recommendation on the agenda for the next regular meeting. The reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(I) Upon reviewing the application and/or receiving the report and recommendation of the Planning Commission, the City Council shall take one of the following actions within the time frame established by M.S. § 15.99, as it may be amended from time to time:

(1) Approve or disapprove the request as recommended by the Planning Commission;

(2) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. These modifications, alterations, or differing conditions shall be in writing and made part of the Council's records; or

(3) Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

(J) The amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the City Council. Other amendments require a majority vote of the entire Council. Conditional use permit decisions shall be by a majority of those voting on the question. The Zoning Administrator shall notify the applicant in writing of the Council's action within the time frame established by M.S. § 15.99, as it may be amended from time to time.

(K) The recommendation of the Planning Commission shall be advisory to the City Council. The decision of the City Council shall be final subject to judicial review.

(Ord. 134/94, passed 3-24-94)

§ 156.151 PERMIT CONDITIONS.

Conditional use permits shall remain in effect as long as the conditions agreed upon are observed. Nothing shall prevent the city from enacting or amending official controls to change the status of conditional uses.

(Ord. 134/94, passed 3-24-94)

§ 156.152 PERMIT EXPIRATION AND EXTENSION.

Whenever within one year after granting a conditional use permit, the terms as permitted by the permit shall not have been completed, then that permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator or City Manager-Clerk at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of this petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

(Ord. 134/94, passed 3-24-94)

§ 156.153 PERFORMANCE BOND.

(A) The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

(B) Except in the case of non-income producing residential property, upon approval of a conditional use permit the city may be provided with a surety bond, cash escrow, certificate of deposit, other securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. The security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the city.

(C) The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. The project can be handled in stages upon the discretion of the City Council.

(Ord. 134/94, passed 3-24-94)

§ 156.154 AMENDMENTS; INITIATION.

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect that real estate. All amendment requests must first be reviewed by the Planning Commission and then approved by the City Council.

(Ord. 134/94, passed 3-24-94)

VARIANCES AND APPEALS**§ 156.165 BOARD OF ADJUSTMENTS AND APPEALS; AUTHORITY AND DUTIES.**

The City Council shall act as the Board of Adjustments and Appeals and shall have the following powers:

- (A) To hear appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter; and
- (B) To hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship, as defined in § 156.006, because of circumstances unique to the individual property under consideration.

(Ord. 134/94, passed 3-24-94)

§ 156.166 FINDING OF FACT.

In considering all requests for a variance or appeal, the Board of Adjustments and Appeals shall make a finding of fact as appropriate that the proposed action will not:

- (A) Impair an adequate supply of light and air to adjacent property;
- (B) Unreasonably increase the congestion in the public right-of-way;
- (C) Increase the danger of fire or endanger the public safety;
- (D) Unreasonably diminish or impair established property values within the neighborhood;
- (E) Cause an unreasonable strain upon existing municipal facilities and services;
- (F) Be contrary in any way to the provisions and intent of the city's growth management system/Comprehensive Plan; or

(G) Have a negative direct and indirect fiscal impact upon the city, county, or school district, unless the proposed use is determined to be in the public interest.

(Ord. 134/94, passed 3-24-94)

§ 156.167 CONDITIONS FOR GRANTING VARIANCES.

(A) (1) The City Council, after receiving recommendations from the Planning Commission, may not permit as a variance any use that is not permitted under this chapter for property in the zone where the affected person's land is located.

(2) A variance may be granted when it is demonstrated that this action will be in keeping with the spirit and intent of this chapter and when the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

(B) Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reason of one or more of the following:

(1) Narrowness, shallowness, or shape of a specific parcel of property or a lot existing and of record upon the effective date of this chapter;

(2) Exceptional topographic or water conditions of a specific parcel of land or lot; or

(3) Inadequate access to direct sunlight for solar energy systems.

(C) A variance may be granted for the above reasons when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The City Council may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

(D) A variance shall not allow any use which is not a permitted principal use, a permitted accessory use, or a permitted use requiring a conditional use permit. The only lawful variance is one which is usually called a "non-use variance," and the use of the variance procedure does not authorize any kind of unlawful "spot zoning."

(Ord. 134/94, passed 3-24-94)

§ 156.168 APPLICATION PROCEDURE.

(A) Requests for variances or appeals shall be filed with the Zoning Administrator, on an official application form. The application shall be accompanied by a fee as outlined in § 156.182. This fee shall

not be refunded. The application shall also be accompanied by copies of detailed written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer the application along with all related information to the Planning Commission for consideration and report at least 15 days before the next regular meeting.

(B) The Planning Commission shall consider the request at its next regular meeting unless the filing date falls within 15 days of that meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the requested variance.

(C) The Planning Commission, City Council, and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, this information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.

(D) The Planning Commission shall make a finding of fact and recommend actions or conditions relating to the request to the City Council.

(E) Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the application and/or report and recommendation on the agenda for the next regular meeting. These reports, recommendations, and findings shall be entered in and made part of the written record of the Council meeting.

(F) Upon reviewing the application and/or receiving the report and recommendation of the Planning Commission, the City Council shall take one of the following actions within the time frame established by M.S. § 15.99, as it may be amended from time to time:

(1) Approve or disapprove the request as recommended by the Planning Commission;

(2) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. These modifications, alterations, or differing conditions shall be in writing and made part of the Council's records; or

(3) Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

(G) Decisions on requests for variances shall be by a majority of those voting on the question. The Zoning Administrator shall notify the applicant of the Council's action.

(H) The decisions of the Planning Commission shall be advisory to the City Council. The decisions of the City Council shall be final subject to judicial review.

(Ord. 134/94, passed 3-24-94)

§ 156.169 EXPIRATION AND EXTENSION.

Whenever within one year after granting a variance or appeal the terms as permitted by the variance or appeal shall not have been completed, then that variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original variance or appeal. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. The petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision, and shall be requested only one time on a singular action.

(Ord. 134/94, passed 3-24-94)

§ 156.170 PERFORMANCE BOND.

(A) The City Council shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

(B) Except in the case of non-income producing residential property, upon approval of a variance or appeal the city may be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. The security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the city.

(C) The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development.

(D) The city may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the city has been issued by the city Zoning Administrator.

(E) Failure to comply with the conditions of the variance or appeal and/or ordinances of the city may result in forfeiture of the security.

(Ord. 134/94, passed 3-24-94)

ADMINISTRATION AND ENFORCEMENT**§ 156.180 ADMINISTRATIVE OFFICER; DUTIES.**

(A) This chapter shall be administered and enforced by the Zoning Administrator, who shall be appointed by the City Manager-Clerk.

(B) The Zoning Administrator shall enforce the provisions of this chapter and shall perform the following duties:

(1) Determine that all building permits comply with the terms of this chapter;

(2) Issue zoning permits;

(3) Maintain permanent and current records of this chapter, including but not limited to all maps, amendments, conditional uses, variances, appeals, and application therefor; and

(4) Receive, file, and forward all applications for appeals, variances, conditional uses, and other matters to the designated official bodies.

(C) It shall be the duty of the City Attorney and the Chief of Police, when called upon by the City Manager-Clerk, to perform duties as may be necessary to enforce provisions of this chapter.
(Ord. 134/94, passed 3-24-94)

§ 156.181 BUILDING PERMITS.

(A) *Scope.* From and after the effective date of this chapter, it shall be unlawful to proceed with construction, repairs that affect the structural integrity of a building, enlargement, demolition, removal, or change in use any building or structure, or part thereof, without obtaining a building permit.

(B) *Application.* Request for a building permit shall be filed with the building official on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking areas, and additional information deemed necessary for the proper review and enforcement of this chapter and any other applicable building codes. The fee for a building permit shall be based upon a fee schedule approved by the City Council.

(C) *Issuance of permit.* The building official shall issue the building permit only when the plans comply with this chapter and other applicable city ordinances. The project covered by the building permit shall be completed within a year or it will be declared incomplete and will require application for another permit. The applicant will be fined if he or she is in violation of this chapter.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.182 ADMINISTRATIVE FEES.

(A) To defray administration costs of processing of requests for conditional uses, amendments, variances, or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule adopted by ordinance by the City Council and codified in Chapter 34.

(B) In order to defray the additional cost of processing applications (amendment, conditional use, variance, or appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for that request.

(1) Materials shall include, but not be limited to, maps, graphs, charts, drawings, and the like, and all printing or reproduction of the same.

(2) Staff and/or consulting time shall include any time spent in either researching for or actual production of materials.

(3) The hourly rate for staff and/or consulting time shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials, and the applicant shall be given a reasonable estimate of project time and/or materials costs.

(C) Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission and prior to any publication required by the application. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.

(Ord. 134/94, passed 3-24-94)

§ 156.183 ENVIRONMENTAL REVIEW PROGRAM; PURPOSE.

The purpose of the Environmental Review Program section is to provide for the preparation and review of environmental assessment worksheets (EAW), environmental impact statements (EIS), and

other environmental documents required under M.S. § 116D.04(2) and M.S. § 116D.01, as amended, to implement the Environmental Review Program in accordance with Minn. Rules, parts 4410.6000 to 4410.6500, as amended from time to time.

(Ord. 134/94, passed 3-24-94)

§ 156.184 VIOLATION.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished as provided in § 10.99.

(Ord. 134/94, passed 3-24-94) Penalty, see § 10.99

§ 156.185 INJUNCTIVE RELIEF.

Any violation of this chapter shall be forthwith subject to both temporary and permanent restraint and injunction; all cost of any such equitable proceeding, including a reasonable attorney's fee, shall be assessed by the court against the violator.

(Ord. 134/94, passed 3-24-94)

§ 156.186 INTERIM USE PERMITS.

(A) *Interim uses.* The City Council may issue an interim use permit to allow a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. The purpose of this section is to establish provisions for the review of proposals by applicants for interim uses.

(B) *Application.* An application for an interim use permit shall be made to the City Council, which shall address the following general provisions.

(C) *General provisions.* Interim uses may be allowed by permit if:

(1) The use otherwise conforms to the comprehensive plans and zoning regulations as regards performance standards and other requirements;

(2) The date or event that will terminate the use can be identified with certainty;

(3) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

(4) By agreement with the owner, the use will be subject to any specific conditions that the city has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

(D) *Termination.* An interim use permit shall terminate upon whichever of the following events occurs first:

- (1) The date stated in the permit; or
- (2) A violation of conditions under which the permit was issued; or
- (3) A change in the city's zoning regulations that renders the use nonconforming; or
- (4) Redevelopment of the use, and/or property upon which it is located, as a permitted use allowed within the respective zoning districts.

(Ord. 377, passed 7-10-08)

ADULT USE CANNABIS AND CANNABIS BUSINESS AND CULTIVATION**§ 156.200 PURPOSE AND INTENT**

(A) The use, possession, and cultivation of cannabis and cannabis related products has become legal in the State of Minnesota for adults over the age of twenty-one (21), and the city believes reasonable controls and regulations are required to ensure use, possession, cultivation, and consumption of such products is necessary to ensure public health, safety, comfort, convenience, and general welfare of the residence of the City of Milaca. This Ordinance shall be intended to regulate the sale, possession, use, and cultivation of cannabis and cannabis related products and cannabis related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the use of cannabis and cannabis related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to use cannabis and cannabis related products. This Ordinance shall be construed to comply with the requirements of Minnesota Statute §342 as it is amended from time to time.

The city finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the city, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

DEFINITIONS.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. §342.01 and the rules promulgated pursuant to any of these acts, shall have the same meaning in this ordinance.

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by OCM. Indoor Cannabis Cultivation can have up to 30,000 square feet of plan canopy, with outdoor business up to 2 acres of mature flowering plants, and no more than 4 acres.

CANNABIS FLOWER. "Cannabis flower" means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCTS. "Cannabis product" means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp- derived topical products.

CANNABIS RETAIL BUSINESS. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, lower-potency hemp edible retailers.

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.♦

CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis plants, cannabis flower, hemp plants or hemp plant parts.

CULTIVATOR. Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

CANNABIS DELIVERY SERVICE. Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

CANNABIS EVENT ORGANIZER. Event organizers may organize a temporary cannabis event lasting no more than four (4) days.

CANNABIS MANUFACTURER. Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

DAYCARE. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day. Sometimes referred to as 'Day Care Center' or 'Nursery School'.

LOWER-POTENCY HEMP EDIBLE. As defined under Minn. Stat. §342.01 Subd. 50.

LOWER-POTENCY HEMP EDIBLE MANUFACTURER. Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

LOWER-POTENCY HEMP EDIBLE RETAILER. Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.*

MEDICAL CANNABIS COMBINATION BUSINESS. Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district. Medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.*

MEZZOBUSINESS. Mezzobusiness may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may operate up to three retail locations. Indoor business can have up to 15,000 square feet while outdoor business can have up to 1 acre and no more than 3 acres.*

MICROBUSINESS. Microbusiness may cultivate cannabis and manufacture cannabis products and hemp products and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location. Indoor business can have up to 5,000 square feet while outdoor can have up to ½ acre.*

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance, is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market and the consumer hemp industry. OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

PLACE OF PUBLIC ACCOMMODATION. A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodation are extended, offered, sold, or otherwise made available to the public.

PRELIMINARY LICENSE APPROVAL. OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. §342.17.

PUBLIC PLACE. Property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site consumption. Including, but not limited to restaurants, bars, any other food or liquor establishment, hospitals, nursing homes, auditoriums, arenas, gyms, meeting rooms, common areas of rental apartment buildings, and other places of public accommodation.

PUBLIC PROPERTY. Property, real and personal, that is owned, managed, or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, airport property, golf courses, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like.

RESIDENTIAL TREATMENT FACILITY. As defined under Minn. Stat. §245.462 Subd. 23.

RETAIL REGISTRATION. An approved registration issued by the city to a state-licensed cannabis retail business.

RETAILER. Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients. May operate up to five (5) retail locations under a single license.

SCHOOL. A public school as defined under Minn. Stat. §120A.05 or a nonpublic school that must meet the reporting requirements under **Minn. Stat. §120A.24**.

STATE LICENSE. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

TESTING FACILITY. Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

TRANSPORTER. Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

WHOLESALE. Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

*Must be registered through Mille Lacs County.

§ 156.201 AUTHORITY TO ADOPT THIS ORDINANCE.

- (A) Minn. Stat. §342.13(c) regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (B) Minn. Stat. §342.22 regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (C) Minn. Stat. 152.0263, Subd. 5 regarding the use of cannabis in public places.
- (D) Minn. Stat. 462.357 regarding the authority of a local authority to adopt zoning ordinances.
- (E) This Ordinance shall be applicable to the legal boundaries of the city. The city has delegated cannabis retail registration authority to Mille Lacs County per Resolution #24-37. However, the city may adopt ordinances if Mille Lacs County has not adopted conflicting provisions. Since the city has delegated cannabis retail registration authority to Mille Lacs County, the city has included as an addendum to this Ordinance, Mille Lacs County Ordinance No. Admn-12.

§ 156.202 PROCEDURES, PROCESS AND COMPLAINTS.

- (A) Within 30 days of receiving a copy of an application from the office, a local unit of government shall certify on a form provided by the office whether a proposed cannabis business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code. The office may not issue a license if the local unit of government informs the office that the cannabis business does not meet local zoning and land use laws. If the local unit of government does not provide the certification to the office within 30 days of receiving a copy of an application from the office, the office may issue a license.
- (B) The office by rule shall establish an expedited complaint process to receive, review, and respond to complaints made by a local unit of government about a cannabis business. At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Nothing in this paragraph prohibits a local unit of government from enforcing a local ordinance. If a local unit of government notifies the office that a cannabis business other than a cannabis retailer, cannabis microbusiness or cannabis mezzobusiness with a retail operations endorsement, lower-potency hemp edible retailer, or medical cannabis combination business operating a retail location poses an immediate threat to the health or safety of the public, the office must respond within one business day and may take any action described in section 342.19 or 342.21.
- (C) If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

§ 156.203 REQUIREMENTS FOR CANNABIS BUSINESS.

- (A) The city shall prohibit the operation of a cannabis business within 1,000 feet of a school (as defined in Section 156.200(B)).
- (B) The city shall prohibit the operation of a cannabis business within 500 feet of a daycare (as defined in Section 156.200(B)), residential treatment facility (as defined in Section 156.200(B)), churches, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities, libraries, recreational centers, halfway houses or of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (C) The city shall prohibit the operation of a cannabis retail business within 150 feet of another cannabis retail business.
- (D) Pursuant to Minn. Stat. §462.363, nothing in this ordinance shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- (E) The city shall limit the number of local retail registrations for cannabis retailers, including cannabis microbusinesses and cannabis mezzobusinesses with retail endorsements, to one retail registration per 12,500 residents.

§156.204 ZONING AND LAND USE

- (A) Cannabis Cultivators can grow cannabis plants from seed to maturity. Cultivators are allowed to harvest, package, and label cannabis flower, seedlings and immature cannabis plants for sale to other cannabis business. Cultivators can grow up to 30,000 square feet of plant canopy indoors or up to two acres of mature flowering plants outdoors. They can sell immature cannabis plants, seedlings and cannabis flower to other cannabis businesses. Cultivation - cannabis businesses licensed or endorsed for cultivation are permitted in the following zoning districts:

I-1 Light Industrial

- (B) Cannabis Manufacturers process cannabis and hemp materials into various products, such as edibles, concentrates, wax, oils, and tinctures. Manufacturers can buy cannabis flowers, cannabis products, and lower-potency hemp products from other cannabis businesses. They can purchase hemp plants and concentrates from hemp businesses licensed under chapter 18K. They turn these materials into cannabis products, lower-potency hemp edibles, and hemp-derived consumer products then package and sell them to other cannabis businesses. Cannabis Manufacturers can transport from cultivation site to manufacturing site on same premises under same license holder. They can sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses. Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted in the following zoning districts:

I-1 Light Industrial

- (C) Lower-Potency Hemp Edible Manufacturers can produce edibles from hemp. These manufacturers can create, package, and label lower-potency hemp edibles, and sell them to cannabis businesses. Lower-Potency Hemp Edible Manufacturers can sell hemp concentrate, artificially derived

cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses. Businesses licensed or endorsed for low-potency hemp edible manufacturers are permitted in the following zoning districts:

I-1 Light Industrial

(D) Cannabis Wholesalers can buy cannabis, cannabis products, and lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses and then sell them to other cannabis and lower-potency hemp business. They can import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids. Cannabis wholesalers can sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis retailers. Lower potency hemp edibles to lower-potency hemp edible retailers. Cannabis businesses licensed or endorsed for wholesale are permitted in the following zoning districts:

I-1 Light Industrial

(E) Cannabis Retailers can sell packaged cannabis products to the general public and medical patients. They can buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products from other cannabis businesses and sell them to customers. Cannabis retailers can operate up to five retail locations; however, no person, cooperative, or business may hold a license to own or operate more than one cannabis retail business in one city and three retail businesses in one county. Cannabis retailers can sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to adults over 21 years of age and registered medical patients. Cannabis businesses licensed or endorsed for cannabis retail are permitted in the following zoning districts:

B-2 General Business I-1 Light Industrial

(F) Cannabis Transporters can move cannabis, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products between businesses. They can transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products. Cannabis transporters can transport from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp manufacturers and industrial hemp growers. Cannabis transporters can transport to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, and medical combination businesses. Cannabis businesses licensed or endorsed for transportation are permitted in the following zoning districts:

. B-2 General Business I-1 Light Industrial

(G) Cannabis Delivery Service can purchase cannabis, lower-potency hemp edibles, and hemp-derived consumer products from specific cannabis businesses and sell and deliver those products directly to consumers. Cannabis delivery service can sell cannabis flower, cannabis products, lower-potency

hemp edibles, and hemp-derived consumer products. - Cannabis businesses licensed or endorsed for delivery are permitted in the following zoning districts:

B-2 General Business
I-1 Light Industrial

(H) Cannabis testing facilities can obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from businesses licensed to produce those items. They ensure these products meet safety standards.

Activities and products allowed: No operating, growing, transporting, or selling activities allowed.

Cannabis testing facilities are only allowed in the I-1 Industrial District.

§ 156.205 ODOR MANAGEMENT OF CANNABIS FACILITIES.

(A) No person, tenant, occupant, or property owner shall permit the emission of cannabis odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.

(B) Whether or not a cannabis odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

(C) A cannabis odor emission shall be deemed to interfere with the reasonable and comfortable use and enjoyment of property if cannabis odor is detectable outside the premises.

(D) No person shall be convicted of a violation of this section unless the zoning official has delivered or posted a written warning, in the previous twelve (12) months, that conduct violating this section is occurring or has occurred.

(E) Extended grace period for licensed cannabis business. No person who receives a warning at a licensed cannabis business shall be convicted of a violation that allegedly occurred within thirty (30) days after the first warning issued pursuant to subsection (d), if all of the following conditions are met:

(1) A first warning within twelve (12) months was previously issued pursuant to subsection (D) of this section for the person's property and the subject property is licensed as a cannabis cultivation facility by the city or the state;

(2) Seven (7) or fewer days after the warning was posted or delivered, the person submitted a written document to the city manager which explained (i) why the cannabis odor emissions could not be abated within seven (7) days feasibly, and (ii) how the person planned to abate the cannabis odor emission in the following ninety (90) days;

(3) The person receiving the warning has diligently pursued to complete the plans for abating the cannabis odor emission; and

(4) The written document described in condition (2) was submitted fewer than ninety (90) days before the date of violation.

§156.206 - ZONING DESIGN STANDARDS FOR SPECIFIC ZONES AND USES FOR CANNABIS AND CANNABIS RELATED BUSINESSES

(A) *Intent and application.*

(1) It is the intent of the community to set restrictions limiting the visibility of cannabis from the exterior of cannabis establishments meant to ensure minors are not enticed by cannabis, hemp, and their accessories, tobacco and tobacco paraphernalia, or sexually oriented businesses (as defined in Section 156.145). The purpose of these design standards is to establish a quality impression and to ensure minimum building design standards in order to protect neighboring investment.

(2) These design standards apply to all new construction, conversion of existing structures to these uses, and to any expansion of existing buildings.

(3) Exception: Conversions of existing structures to the above uses shall be exempt from subsection (B) (1).

(B) Materials, orientation, windows, roofs, and accessory structures.

(I) Materials on vertical surfaces or building fascia. All building vertical surfaces, including front, side, and rear, shall have building finishes made of fire-resistant and low maintenance construction materials that may include: face brick, architectural or decorative block or concrete, stone, stucco, aluminum, or steel without exposed fasteners, and other materials that enrich the impression and appearance of the community. The color of materials shall be part of the manufacturing and construction process.

(2) Orientation. For purposes of this section, the term "front of a building" means the lineal and vertical surface facing a public street. The front of the building shall have a clearly defined entrance and shall incorporate required windows and doors. If the building abuts more than one (1) street, the zoning official will determine what is the front for purposes of window placement.

(3) Windows. The front of the building shall have a maximum often (10) percent of the lineal ground floor in see-through windows. Window space shall not be used for signage, but may be tinted or frosted. Cannabis or hemp products, liquor, tobacco, or related paraphernalia shall not be visible through such windows.

Exception: Sexually oriented businesses shall be no see-through windows; all windows shall be one hundred (100) percent frosted or tinted and not allowed to be used for signage.

(4) Rooftop equipment. The roof design shall provide screening of rooftop equipment as seen from any public street, alley, or residential zoning district.

(5) Ground equipment. The site design shall provide for screening of ground mounted equipment, exterior ductwork, and like equipment. Individual exterior units can be exempted if it meets the intent of the district design standards as determined by the zoning official.

(6) Trash. Exterior trash enclosures are required and shall be designed with materials similar to materials used on the principal building. Trash enclosures shall be adequate in height to screen trash containers and materials but shall not be less than six (6) feet in height. Trash enclosures must remain locked.

(7) Given the noxious smells and potential dangers related to the storage, cultivation, processing, and consumption of cannabis, cannabis business shall:

- a. Not share the same air space with other occupancies.
- b. Not have residential occupancy in the same building.
- c. Have a secure storage facility.
- d. Be solely a cannabis related business.

(8) All design standards noted in specific zone standards shall also apply.

(9) Night sky compliant structures and general exterior site lighting. All sites may be lighted to provide safety, utility, security, productivity, and enjoyment of a property after dark. Any such lighting shall minimize adverse offsite impacts such as light trespass, obtrusive glare, and effects of light pollution. All lights shall be directed toward the site and away from the public right-of-way, adjacent properties, and residential districts with fully shielded cut-off luminaires. Transparent or translucent structures shall not be interiorly lit during nighttime conditions.

§ 156.207 - SITE REQUIREMENTS FOR CANNABIS

(A) Cannabis mezzobusinesses can grow, make; sell, and buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products in the 1-1 Industrial district only. Limited to number of licenses regulated by Mille Lacs County.

Activities and products allowed:

- **Can operate:** Up to three retail locations.
- **Can grow:** Up to 15,000 square feet of plant canopy indoors or up to one acre of mature flowering plants outdoors.
- **Can transport:** Between facilities under same license holder.
- **Can sell:** Immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and customers.

(B) Cannabis microbusinesses can grow, make, sell, and buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products in the 1-1 Industrial district only. They can also have on-site lounges where customers can use cannabis. Limited to number of licenses regulated by Mille Lacs County.

Activities and products allowed:

- **Can operate:** A single retail location. Can allow on-site consumption on a portion of its premises where customers can consume edible cannabis products and lower-potency hemp edibles.
- **Can grow:** Up to 5,000 square feet of plant canopy indoors or up to one-half acre of mature flowering plants outdoors.
- **Can transport:** Between facilities under same license holder.
- **Can sell:** Immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and customers.

(C) It is the intent of the community to set restrictions limiting the visibility of cannabis from the exterior of cannabis establishments meant to ensure minors are not enticed by cannabis, hemp, and their accessories. The purpose of these design standards is to establish a quality impression and to ensure minimum building design standards in order to protect neighboring investment.

(D) A straight-line drawing shall be prepared within thirty (30) days prior to application depicting the property lines and the structures containing any of the above listed uses. The drawing shall be reviewed by the zoning official for accuracy. For purposes of this section, a use shall be considered existing, established, or application submitted at the time an application is submitted. In the event of a dispute between the applicant and the city as to the accuracy of the drawing, the building official may order the applicant to provide a drawing with the information required under this subsection prepared by a registered land surveyor. For setback purposes, a public park or recreational area is land which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities the drawing shall include distances from business of like use listed in 156.200.

(E) For the purpose of section 156.206(D), measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a cannabis retail business is conducted, to the nearest portion of the building or structure of a use listed in section 156.200. In the case of a land use in section 156.200(E) where no primary structure is present, measurement shall be made to the property line. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section. Such distance shall be measured across property lines, regardless of ownership of the property.

(F) Access to where product is stored must be resilient and strong enough to resist attempts at being broken to gain entry.

(G) Security Cameras must be installed inside and outside of business and kept for 60 days.

§156.208 HOURS OF OPERATION.

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8 a.m. and 10

p.m. Monday-Saturday, 10 a.m. and 7 p.m. Sunday's. However, state statutes prohibit the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays per Minn. Stat. §342.13.

§156.209 ADVERTISING.

- (A) May not include or appeal to those under 21 years old.
- (B) Must include proper warning statements.
- (C) May not include misleading claims or false statements.
- (D) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by city's sign ordinances under Title XV of the city code. Billboards are not allowed. Permits as required under city code must be obtained before any signage can be erected.

§156.210 SALE OF LOW-POTENCY HEMP EDIBLES.

The sale of Low-Potency Edibles is permitted, subject to the conditions within this ordinance.

Low-Potency Edibles businesses are permitted in the following zoning districts:

B-2 General Business District and I-1 Light

Industrial The sale of Low-Potency Edibles is permitted:

- (A) In a Municipal Liquor Store.
- (B) In places that admit people 21 years of age or older.
- (C) In places that meet requirements of this ordinance.

Low-Potency Hemp Edibles shall be displayed behind a checkout counter where the public is not permitted or in a locked case. All lower-potency hemp edibles that are not displayed must be stored in a secure area.

§156.211 SALES OF ADULT-USE CANNABIS.

The flow of all products through the supply chain must be tracked by the state-authorized tracking system. All products sold to consumers and patients must be tested for contaminants. Home delivery is allowed by licensed businesses.

§156.212 INDIVIDUALS.

- (A) Individuals may possess or transport up to 2 ounces of flower in public.
- (B) Individuals may possess up to 2 pounds in private residence.
- (C) Individuals may possess **8** grams of concentrate.

- (D) Consumption is only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption is not allowed in public.
- (E) Gifting cannabis to another individual over 21 years old is allowed, subject to possession limits.
- (F) Home cultivation is limited to four (4) mature and four (4) immature plants (8 total) in a single residence. Plants must be in an enclosed and locked space.
- (G) Home extraction using volatile substances (e.g. butane, ethanol) is not allowed.
- (H) Unlicensed sales are not allowed.

§156.213 LOCAL GOVERNMENT AS A CANNABIS RETAILER.

The city may establish, own and operate one municipal cannabis retail business subject to the restrictions in this ordinance. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under this ordinance. The city shall be subject to all applicable license requirements and procedures applicable to all other applicants.

§156.214 USE IN PUBLIC PLACES.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp- derived consumer products in a public place or a place of public accommodation unless the premise is an establishment or an event licensed to permit on-site consumption of adult-use.

§156.215 TEMPORARY CANNABIS EVENTS

(A) Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by the city before holding a cannabis event. Cannabis event organizers may allow for the sale of cannabis, lower-potency hemp edibles, and hemp-derived consumer products to customers at events. This is a temporary license that must be applied for per event. Cannabis event organizers can provide spaces for on-site consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Cannabis events and activities are subject to local approval and permitting. Cannabis event organizers can sell cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. A cannabis event is specifically prohibited from giving away cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products.

(B) *License or Permit Required for Temporary Cannabis Events.* A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.

(C) *Registration & Application Procedure.* A registration fee, as established in the city's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

(D) *Application Submittal & Review.* The city shall require an application for Temporary Cannabis Events.

1. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. (Insert additional standards here)

2. The applicant shall include with the form:

- i. the application fee as required in fee schedule
- ii. a copy of the OCM cannabis event license application,
submitted pursuant to 342.39 subd. 2.

3. The application shall be submitted to the city manager or other designee for review. If the city manager or other designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

4. Once an application is considered complete, the city manager or other designee shall inform the applicant as such, process the application fees, and city council will approve or deny the request.
5. The application fee shall be non-refundable once processed.
6. The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - a. Cannot be within 1,000 feet of a school
 - b. Cannot be within 500 feet of a daycare (as defined in Section 156.200(B)), residential treatment facility (as defined in Section 156.200(B)), churches, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities, libraries, recreational centers, halfway houses or of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - c. Event must end by 10 p.m.
 - d. Must complete a Special Event Application
 - e. No alcohol consumption on site
 - f. Must submit a layout plan as to where sales will be located, where taste testing will be held, etc.
 - g. Per Ordinance #513, event cannot be held on public property.
 - h. If event organizer is not the owner of the property where event is held, must have written permission from owner of property to hold event

(E) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(F) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The city manager shall notify the applicant of the standards not met and basis for denial.

(G) A copy of Minn. Stat. §342.40 Cannabis Event Organizer Operations will be attached to the Temporary Cannabis Event application for the applicant.

§156.299 ENFORCEMENT.

The Mille Lacs County Land Services Department will be responsible for the administration and enforcement of this ordinance. Subject to Minnesota Statute §342.22, subd. 5(e), Mille Lacs County may impose a civil penalty, as specified in the Mille Lacs County's Fee Schedule, for registration violations, not to exceed \$2,000.

(Ord. 529, passed 9-18-25)