

ORDINANCE #539

AN ORDINANCE TO THE CITY CODE

**TITLE IX (GENERAL REGULATIONS) ADDING CHAPTER 99 TEMPORARY USES
OF THE CITY OF MILACA CODE OF ORDINANCES**

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA ORDAINS AS
FOLLOWS:

§99.01 PURPOSE AND INTENT.

(A) This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this division and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

§99.02 CONDITIONAL USE PERMIT OR PERMIT REQUIRED.

Temporary uses and structures that require a permit shall be reviewed in accordance with the process outlined in §156.150-§156.154 Conditional Use Permits, §156.077 and §156.181 Building Permits.

§99.03 GENERAL STANDARDS FOR TEMPORARY USES.

Temporary uses, structures, or events shall comply with the following:

(A) Obtain the appropriate permits (as required), including the signature of the property owner on which the temporary use is proposed;

(B) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(C) Be compatible with the principal uses taking place on the site;

(D) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

(E) Not include permanent alterations to the site;

(F) Meet all the setbacks of the underlying base and overlay zoning districts, unless expressly stated otherwise in this chapter;

(G) Temporary signs permitted under the code and associated with the use or structure shall be removed when the temporary activity ceases. See also §156.132 Signs Permitted Without Permit.

- (H) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (I) Not interfere with the normal operations of any permanent use located on the property;
and
- (J) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

§99.04 TABLE OF ALLOWED TEMPORARY USES AND STRUCTURES.

Table below summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TEMPORARY USES AND STRUCTURES			
<i>Temporary Use or Structure</i>	<i>Allowable Duration (per site)</i>	<i>Permit(s) Required</i>	<i>Additional Requirements</i>
Temporary Structure			
Construction dumpster (on public ROW/property)	Until issuance of certificate of occupancy or two days following expiration or finalizing of a building permit	Yes-Bldg. Permit	See §50.01
Construction dumpster (on private property)	30 days without a building permit	No	See §50.01
Construction trailer	Until issuance of certificate of occupancy	Yes-Bldg. Permit	
Mobile food units		Yes	See §115.01-§115.99
Recreational vehicle use		No	See §98.01-98.04
Real estate office/model sales home	Until 85% occupancy of the phase is reached	Yes-Bldg. Permit	
Temporary sign		No	See §156.132
Temporary Sales			
Garage/yard sale	3 days per event; 3 events total per calendar year	No	See §96.01
Seasonal sales, Seasonal Greenhouse Sales	April 1-June 30	Yes CUP	§156.150-§156.154
Special Events	See City Code	Yes	

§99.05 SPECIFIC STANDARDS FOR TEMPORARY USES.

(A) *Construction dumpster.*

(1) The placement of a temporary construction dumpster or other trash receptacle within a public right-of-way or other site owned by the city shall be subject to standards in the city code as may be applicable.

(2) Temporary trash receptacles or dumpsters located outside public rights-of way are not required to obtain a temporary use permit, but shall comply with the following standards:

- a) Be located to the side or the rear of the site, to the maximum extent practicable;
- b) Be located as far as possible from lots containing existing development;
- c) Not be located within a floodplain or otherwise obstruct drainage flow;
- d) Not be placed within five feet of a fire hydrant or within a required landscaping area;
- e) Be located outside of any required tree protection fencing and the dripline of existing trees; and
- f) Be secured with a cover to prevent litter and debris from escaping the dumpster.

(B) *Construction trailer.*

(1) Construction trailers may be permitted on a construction site provided that the trailer is:

- a) Approved by the City Manager and Police Department for location, safety, and compatibility with adjacent properties;
- b) Located on the same site or in the same development as the related construction;
- c) Not located within a required landscape area; and
- d) Associated with development for which a valid building permit has been or will be issued.

(2) The applicant shall be required to restore the trailer site to its previous condition if the trailer is located off the construction site.

(C) *Real estate sales office/model sales home.* One temporary real estate sales office or model sales home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development provided the office or model home:

- (1) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;
- (2) Complies with the applicable standards in the approved development plan (if applicable);
- (3) Is operated by a developer or builder active in the same phase or section where the use is located; and

(4) Is removed or the model home is converted into a permanent residential use once 85% occupancy in the section or phase of the development is reached.

(D) *Seasonal sales.* Seasonal sales shall:

(1) Be authorized in writing by the property owner if conducted on property not owned by the seasonal sale operator;

(2) Not be located within any right-of-way;

(3) Not reduce available parking areas below that which is required by code;

(4) Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation or traffic;

(5) Provide adequate ingress, egress and off-street parking areas; and

(6) Be subject to the sign standards in §156.130-§156.141

(7) Shall be subject to standards in the city code as may be applicable per Building and Zoning codes

(E) *Temporary tent, canopy, tarp garage, or hoop building for Seasonal sales are allowed if:*

(1) In R-1 or R-2 Single Family home Zoning District (no townhome or multi-family unit)

(2) Minimum lot size 10,000 square feet

(3) A Conditional Use Permit has been approved for Home Occupation

(4) Total square footage does not exceed 200 square feet or 10 feet in height

(5) Erected from April 1 to June 30 for business/retail purposes only

(6) Must be disassembled each year.

(7) Not used for storage.

(8) Only one structure allowed.

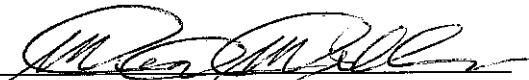
(9) The lot or site shall be restored to its original condition within two days of removal of the tent, canopy, tarp garage, or hoop building.

(10) Not located in the front yard

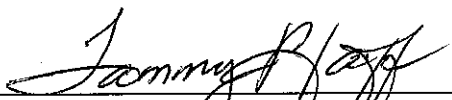
§99.99 PENALTY: See §10.99.

A violation of this section is a misdemeanor criminal offense, and is punishable by up to 90 days in jail and a fine of up to \$1,000.00. Each day a violation occurs is separate offense.

Passed this 17th day of April, 2025.


Mayor Dave Dillan

ATTEST:


Tammy Pfaff, City Manager

First Reading: 03-20-25

Second Reading: 04-17-25

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