

Zoning
Article III – Districts

Sec. 50.0229 Prohibited Uses (R1)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0256 Prohibited Uses (R2)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0280 Prohibited Uses (R3)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0313 Prohibited Uses (RO)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0351 Prohibited Uses (RP)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.
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Sec. 50.0376 Prohibited Uses (B1)

- (1) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing excluding retail of low potency cannabis products not more than 5% of the retail products available.
- (2) Sexually Orientated business.
- (3) Tobacco stores
- (4) Liquor stores.
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Sec. 50.0395 Principle Permitted Uses (B2)

- (21) Cannabis products. General retail, retail of low potency cannabis products, transportation, delivery, and retail of medical cannabis products. The following are standard requirements for all general and medical retail, excluding low potency cannabis products:
- (a) The building does not share air space, egress or ingress with neighboring property.
- (b) Access to where product is stored must be resilient and strong enough to resist attempts at being broken to gain entry.

Sec. 50.0396 Conditional Permitted Uses (B2)

- (1) Commercial Recreation. Any type of commercial recreation, including drive-in theaters, baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities
- (2) Sexually Orientated Business. As regulated in Section 50.0027 and 50.0031.

Sec. 50.0403 Prohibited Uses (B2)

- (3) Cannabis Products. All commercial cannabis cultivation, warehousing and manufacturing.
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Sec. 50.0434. - Principal permitted uses. (B-3)

(10) Retail sales of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0441 Prohibited Uses (B3)

- (1) Cannabis Product. All commercial cannabis cultivation, retail, warehousing and manufacturing excluding retail of low potency cannabis products not more than 5% of the retail products available.
 - (2) Sexually oriented Businesses.
 - (3) Predominantly Tobacco Retail
 - (4) Liquor Stores
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Sec. 50.0456. - Principal permitted uses. (B-4)

(8) Retail sales of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0457 Prohibited Uses (B4)

- (4) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing excluding retail of low potency cannabis products not more than 5% of the retail products available.
 - (5) Sexually Oriented Businesses.
 - (6) Predominantly Tobacco Retail
 - (7) Liquor Stores
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Sec. 50.0474. - Principal permitted uses. (IDD)

(16) ~~Live/work~~ Retail of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0475 Prohibited Uses (IDD)

- (4) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing excluding retail of low potency cannabis products not more than 5% of the retail products available.
 - (5) Sexually Oriented Businesses.
 - (6) Predominantly Tobacco Retail
 - (7) Liquor Stores
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Sec. 50.0504. - Principal permitted uses. (I-1)

In the I-1 limited industrial district, no building, structure or land shall be used and no building or structure shall be erected, altered or changed which is arranged, intended or designed for other than one (1) of the following uses, except as provided in article VIII of this chapter:

(3) Retailing and consumer services. Those uses permitted under section 50.0395 which are principal permitted uses in the B-2 district **unless modified in this division**, shall be permitted uses in the I-1 district.

(4) Freight stations and transportation terminals.

(5) Cannabis Products. General Retail, wholesaler, testing facility, transportation, delivery, low potency retail and medical retailer.

Sec. 50.0506. - Conditional permitted uses. (I-1)

In the I-1 limited industrial district, the following uses may be permitted only if specifically approved by the planning commission and authorized by the council: ~~none.~~

(1) Microbusiness; Microbusiness with Retail; Mezzobusiness; Mezzobusiness with retail.

Sec. 50.0505. - Prohibited uses (I-1)

(1) Residential.

- a. Dwellings;
- b. Apartments;
- c. Roominghouses, lodginghouses and boardinghouses;
- d. Supervised living facilities;
- e. convalescent, nursing or rest homes;
- f. Fraternity and sorority houses and similar cooperative housing;
- g. Hospitals
- h. Manufactured home parks
- i. Hotels or motels.

(2) *Industrial.*

a. The processing of raw or primary materials into other materials such as the manufacturing of alloys and synthetics.

b. Any Cannabis manufacture, Cultivator, or exterior cultivation.

(3) Sexually Oriented Businesses

Sec. 50.0530. - Principal permitted uses. (I-2)

In the I-2 industrial district, no building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one (1) of the following uses, except as provided in article VIII of this chapter:

(1) Any industrial use which is not specifically prohibited in this division or any industrial use not listed as a conditional use in section 50.0532 may be a principal permitted use.

(2) The following Cannabis uses shall be allowed as a principal permitted use. Micro, Mezzo, Manufacturer, wholesaler, Testing facility, transportation, delivery, low potency manufacturer, medical cultivator, medical processor.

Sec. 50.0532 Conditional permitted use (I2)

~~(15) Any other use which, in the opinion of the commission, is of similar character to those described in this section.~~

(15) Cultivator. Interior only.

(16) Cannabis. Medical Combined

Sec. 50.0531 Prohibited Uses (I2)

(1) Residential (a-h)

(2) Cannabis Products. All exterior cultivation and retail individually or combined.

(3) Sexually Oriented Businesses.

(4) Liquor Stores

(5) Predominantly Tobacco Retail

Sec. 50.0568. - Conditional permitted uses. (I-3)

In the I-3 diversified industrial district, conditional permitted uses are as follows:

(1) Veterinary clinics, veterinary hospitals, and animal shelters.

~~(2) Any other use which, in the opinion of the planning commission, is of such a character as to be compatible with the intended district when operating under the conditions of approval~~

Sec. 50.0569 Prohibited Uses (I3)

(5) Cannabis Products. Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

(6) Sexually Oriented Businesses.

(7) Liquor Stores

(8) Predominantly Tobacco Retail

Sec. 50.0812 Prohibited Uses (DCD)

(7) Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.

(8) Sexually Oriented Businesses

(9) Liquor Stores

(10) Predominantly Tobacco Retail Stores

Sec. 50.0619. - Uses generally. (PD)

(5) Prohibited Uses

- (a) All Cannabis Products. All commercial cannabis cultivation, retail, warehousing and manufacturing.
- (b) Sexually Oriented Businesses

CHAPTER 12 ORDNANCE CHANGES BELOW ARE JUST FOR PLANNING COMMISSION REFERENCE, THOSE CHANGES ARE NOT SUBJECT TO PLANNING COMMISSION REVIEW OR APPROVAL.

Sec. 12.212. - Definitions.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(4) Any entity as defined in MN SS 617.242.

(below from Statute for reference and content only, not amended into ordinance)

617.242 ADULT ENTERTAINMENT ESTABLISHMENTS.

§Subdivision 1. Definitions. For purposes of this section:

(1) "adult entertainment establishment" means a business that is open only to adults and that presents live performances that are distinguished or characterized by an emphasis on the depiction of sexual conduct or nudity;

(2) "sexual conduct" has the meaning given in section 617.241; and

(3) nudity has the meaning given in section 617.292, subdivision 3.

Business License

Sec. 12.213 License Required (e)

(11) A straight-line drawing prepared within thirty (30) days prior to application depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field or **within five hundred (500) feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities**; For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted. **The drawing shall be reviewed by the zoning official for accuracy.** In the event of a dispute between the applicant and the city as to the accuracy of the drawing, the building inspector may order the applicant to provide a drawing with the information required under this subsection prepared by a registered land surveyor.

If the Adult bookstore, adult novelty store or adult video store as described in Section 12.212 (1)-(3) meets Section 12.212 (3) a-e, they are exempt from the setbacks listed above. All other defined uses in Section 12.212 Shall be subject to the above setbacks.

Sec. 50.0027. - Sexually oriented businesses.

- (a) *Definition.* A sexually oriented business under this section shall be defined as provided for in section 12.212. All terms defined in section 12.212 are incorporated into this section as if fully set forth herein.
- (b) *As conditional use.* Sexually oriented businesses shall be considered conditional uses and may be permitted only within qualifying areas of the B-2 community business district and I-2 industrial district.
- (c) *License.* No sexually oriented business may be granted a conditional use permit under this section unless it has applied for and received a license pursuant to section 12.213. Application for the sexually oriented business license and a conditional use permit may happen concurrently or a conditional use permit may be granted under this section subject to the applicant receiving a license pursuant to section 12.213. An applicant for a conditional use permit under this section shall also include a copy of the application for the license under section 12.213 with the application under this section.

(d) *Location.* The above listed use shall be setback a minimum of 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field." And a minimum of 500 feet between like uses. Additionally, no sexually oriented business may be located or operated within five hundred (500) feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. For the purpose of this subsection, the term "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in this chapter;
- (4) A public park or recreational area 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;
- (5) A public theater;
- (6) A shopping center; or
- (7) An airport.

No sexually oriented businesses may be located or operated within one thousand five hundred (1,500) feet of an interstate highway.

- (e) *Location near other sexually oriented businesses.* The operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business may not occur within one thousand (500 ~~1,000~~) feet of another sexually oriented business. In addition, there shall not be more than one (1) sexually oriented business within a block front even if said block is greater than one thousand (500 ~~1,000~~) feet in length.
- (f) *Multiple uses or enlargement of uses.* The operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business, is prohibited.

- (g) *Measurement from certain uses.* For the purpose of subsection (d) of this section, 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 sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (d) of this section. 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.
- (h) *Measurement between sexually oriented business.* For the purposes of subsection (e) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (i) *Nonconforming use.* Any sexually oriented business lawfully operating on January 1, 2000, that is in violation of subsections (a) through (h) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue until terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.
- (j) *Lawful operation.* A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the conditional use permit under this section, of a use listed in subsection (d) of this section within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

CHAPTER 50 ARTICLE VI. - PERFORMANCE, LOCATIONAL AND SITE DEVELOPMENT STANDARDS
Secs. 50.0937 Odor Management of Cannabis Facility's

- (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 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

days after the first warning issued pursuant to Subsection (d), if all of the following conditions are met:

- (1) A first warning within twelve 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 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 days feasibly, and (ii) how the person planned to abate the cannabis odor emission in the following ninety days;
- (3) The person receiving the warning has diligently pursued to completion the plans for abating the cannabis odor emission; and
- (4) The written document described in Paragraph (2) was submitted fewer than ninety days before the date of the violation.

CHAPTER 50 ARTICLE VI SECTION 50.0938.

ZONING DESIGN STANDARDS FOR SPECIFIC ZONES AND USES FOR CANNABIS, CANNABIS RELATED BUSINESSES, LIQUOR STORES, SEXUALLY ORIENTED BUSINESSES, AND PREDOMINANTLY TOBACCO AND TOBACCO PARAPHERNALIA RETAIL AND PROCESSING RELATED OCCUPANCYS

(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 orientated businesses. 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 (b) (1) below.

(b) Materials, orientation, windows, roofs, and accessory structures.

(1) 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 of ten (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 orientated businesses shall have no see-through windows; all windows shall be 100% 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.

(7) Given the noxious smells and potential dangers related to the storage, cultivation, processing and consumption of cannabis, no cannabis business shall:

(a) Share the same air space with other occupancies

(b) Have residential occupancy in the same building

(c) Must have secure storage facility

(d) Must 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 lighting. 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.

BELOW WILL BE IN LICENSING NOT FOR PLANNING COMMISSION REVIEW OR APPROVAL

- (9) To reduce clustering and control the efforts of compliance checks the City shall limit the following types of businesses within its boundaries to.
1. Cannabis retail licensed by the State shall be no greater than two (2)
 2. Sexually oriented businesses (products and entertainment) shall be no greater than two (2)
 3. Predominate/primary tobacco and tobacco paraphernalia retail shall be no greater than four (4)
 4. Offsite liquor sales shall be no greater than nine (9)

ARTICLE VI SECTION 50.0939 LOCATIONAL AND SITE SETBACK REQUIREMENTS CANNABIS, LIQUOR STORES, SEXUALLY ORIENTED BUSINESSES, AND PREDOMINANTLY TOBACCO AND TOBACCO PARAPHERNALIA RETAIL AND PROCESSING RELATED OCCUPANCYS

(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, liquor, sexually oriented businesses, and predominantly tobacco and tobacco paraphernalia businesses. 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.

(a) The above listed uses shall be setback a minimum of 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field, or within five hundred (500) feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; And a minimum of 500 feet between like uses. Additional setback requirements for sexually orientated businesses are contained in City Code Section 50.0027.

(b) 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 within 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field, or within five hundred (500) feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; 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 businesses of like use listed in above (a) (1).

Sec. 50.0002. - Definitions.

PREDOMINANTLY TOBACCO AND TOBACCO PARAPHERNALIA RETAIL means: a retail location that greater than 25% of the shop's gross revenue is from the sale of tobacco, tobacco-related devices and electronic delivery devices or a greater than 25% of the shop's volume of inventory or 25% of display space is tobacco, tobacco-related devices and electronic delivery devices.

Sec. 50.0846. – Commercial Districts (B-1, B-2, B-3, IDD, PD and DCD with commercial uses).

(g) Any state of Minnesota licensed Cannabis business of any type are limited to 2 signs total on the property. Signs may consist of one wall sign and one freestanding sign, or both may be wall signs. No other types of signs are allowed. Each individual sign face is limited to 24 square feet. Total square footage of all sign faces shall not exceed 32 square feet. Freestanding signs shall not exceed 20' in height. Signs may be lighted by downcast, night sky compliant lights. No internally lit signs shall be allowed. **(MN SS 342.64 subd. 2)**

Sec. 50.0847. – Industrial Districts (I-1, I-2, I-3, and PD with industrial uses).

(d) Any state of Minnesota licensed Cannabis business of any type are limited to 2 signs total on the property. Signs may consist of one wall sign and one freestanding sign, or both may be wall signs. No other types of signs are allowed. Each individual sign face is limited to 24 square feet. Total square footage of all sign faces shall not exceed 32 square feet. Freestanding signs shall not exceed 20' in height. Signs may be lighted by downcast, night sky compliant lights. No internally lit signs shall be allowed. **(MN SS 342.64 subd. 2)**