

PLANNING COMMISSION ADVISORY BOARD

August 20, 2024 – 5:30 p.m.
City Center

AGENDA

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES

1. July 2, 2024

D. New Business

E. PUBLIC HEARINGS – Ordinance Amendments

1. Amending Ordinance Sections for Adult-Use Cannabis and Sexually Oriented Businesses:

- i. Section 50.0002. – Definitions
- ii. Section 50.0027. – Sexually oriented businesses
- iii. Section 50.0229. – Prohibited uses (R-1)
- iv. Section 50.0256. – Prohibited uses (R-2)
- v. Section 50.0280. – Prohibited uses (R-3)
- vi. Section 50.0313. – Prohibited uses (R-O)
- vii. Section 50.0351. – Prohibited uses (R-P)
- viii. Section 50.0376. – Prohibited uses (B-1)
- ix. Section 50.0395, 50.0396, & 50.0403. – Principal permitted uses, Conditional permitted uses, & Prohibited uses (B-2)
- x. Section 50.0434 & 50.0441. – Principal permitted uses & Prohibited uses (B-3)
- xi. Section 50.0456 & 50.0457. – Principal permitted uses & Prohibited uses (B-4)
- xii. Section 50.0474 & 50.0475 – Principal permitted uses & Prohibited uses (IDD)
- xiii. Section 50.0504 & 50.0505. – Principal permitted uses & Prohibited uses (I-1)
- xiv. Section 50.0530, 50.0531, & 50.0532 – Principal permitted uses, Prohibited uses, & Conditional permitted uses (I-2)
- xv. Section 50.0568 & 50.0569. – Conditional permitted uses & Prohibited uses (I-3)
- xvi. Section 50.0619. – Uses generally (PD)
- xvii. Section 50.0812. – Prohibited uses (DCD)
- xviii. Section 50.0846 & 50.0847. – Signs (Commercial & Industrial Districts B-1, B-2, B-3, IDD, PD, DCD, I-1, I-2, I-3)
- xix. Section 50.0937 – 50.0960. – Performance, locational and site development standards

E. COMMISSIONER COMMUNICATIONS

F. STAFF COMMUNICATIONS

G. ADJOURNMENT

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Planning Commission of the City of Albert Lea. This document does not claim to be complete and is subject to change.

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE I, SECTION 50.0002

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article I – In General, Section 50.0002 Definitions, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0002. – Definitions.

- (a) As used in this chapter, the term "used" or "occupied" includes the term "intended, designed, or arranged to be used or occupied."
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure subordinate to the principal use of the land, located on the same parcel as the principal use and principal structure, and serving a purpose customarily incidental to the principal use and principal structure.

Accessory use means a use subordinate to the principal use of the land, located on the same parcel as the principal use, and serving a purpose customarily incidental to the principal use.

Agriculture means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including agriculture, industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Alley means a public or private way affording only secondary means of access to abutting property.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, panels, microwave dishes, satellite dishes, and omni-directional antennas, and which shall not extend more than twenty-five (25) feet above the highest point or surface of the ground or structure on which the antenna is mounted or attached.

Apartment means a room or suite of rooms in a multifamily or multiuse building arranged and intended as a place or residence for a single-family or a group of individuals living together as a single housekeeping unit.

Apartment building means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building, and the term "apartment building" includes flats and apartments.

Architectural and landscape lighting means lighting of shape and/or form of structures, plant materials or other landscape features and for which lighting for any other purpose is incidental.

Automobile or trailer sales means an open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition.

Automobile wrecking means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement means that portion of a building located partly underground, including crawl spaces, but having less than half its clear floor to ceiling height below the average grade of the adjoining ground or having one (1) sidewall area two-thirds ($\frac{2}{3}$) exposed above the average grade of the adjoining ground and the two (2) walls adjoining the above side having one-third ($\frac{1}{3}$) or more of wall area above the average grade of the adjoining ground. A basement having its sides more than one-half ($\frac{1}{2}$) below the adjoining ground is defined as a cellar.

Basement-floodplain means any area of a structure, including crawl spaces, having its floor or base sub-grade below ground level on all four (4) sides, regardless of the depth of excavation below ground level.

Block means a tract of land bordered on all sides by streets or by one (1) or more streets and a railroad right-of-way, stream or river of unsubdivided acreage.

Bluff means a topographic feature, such as a hill, cliff, or embankment, having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff impact zone means a bluff and land located within twenty (20) feet from the top of a bluff.

Boathouse means a structure designed and used solely for the storage of boats and boating equipment.

Buildable area means that area of a lot which is exclusive of all yards and within which the principal building must be constructed.

Building means any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind and when separated by dividing walls, without openings, each portion of such building, so separated, shall be deemed a separate building.

Accessory building means a building which is subordinate to the principal building, separated from it, and utilized only in accordance with the permitted accessory uses as permitted within the zoning district in which it is located.

Principal building means a building placed on a permanent frost-free support system enclosed by sidewalls and a roof and utilized for the primary land use on the site.

Building, height of, means the vertical distance above grade, as defined in this section, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched roof or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building line means a line parallel to a lot line or the ordinary high water level of a protected water at the required setback beyond which a structure may not extend.

Building, principal facing area, refers to the property lines or lease lines at the front of the building in which the business is located or the location of the main public entrance of the building.

Candela means the Systeme International d'Unities (SI) of luminous intensity. One (1) candela is one (1) lumen per steradian. Formerly known as candle.

Cargo container means any device creating a partially or fully enclosed space that can be used to contain, store, and transport objects or materials. The term "cargo container" includes any receptacle or enclosure for holding a product used in packaging and shipping, and intermodal containers.

Carport means any open-sided automobile shelter that is open on more than one (1) side.

Cellar means a story having one-half (½) or more of its height below grade.

Cemetery means land used or intended to be used for the burial of the human dead and dedicated as a cemetery for such purposes.

Church or synagogue means and includes a church, synagogue, rectory, parish house or similar building incidental to the principal use which is maintained and operated by an organized group of people for religious purposes.

Clinic means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club means a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner means the commissioner of the department of natural resources.

Conditional use means a specific type of structure or use of land listed within the district regulations that may be allowed only after an in-depth review procedure and with appropriate conditions or restrictions as provided within this chapter and upon a finding that:

- (1) Certain conditions as detailed in this chapter exist; and
- (2) The structure or land use conform to the comprehensive plan and are compatible with the existing neighborhood.

Condominium means a form of individual ownership within a development of more than one (1) dwelling, business use or industrial use, which entails joint ownership of common areas and facilities and joint responsibility for maintenance and repairs, and individual ownership of

the individual dwellings, commercial or industrial space, and the immediate surrounding site area assigned to the unit, if any.

Convalescent, nursing or rest home means any building or group of buildings providing personal assistance or nursing care for those dependent upon the services because of age or physical or mental impairment, but not for the treatment of contagious diseases, addicts or mental illness.

Court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Critical erosion area means an area where degree of slope, length of slope, soil erodibility and surface cover are such as is likely to result in soil being transported off-site to high valued damaged areas.

Cutoff means the IES of North America classification that describes a luminaire having a light distribution in which the candela per one thousand (1,000) lamp lumens does not numerically exceed twenty-five (25) (two and one-half (2½) percent) at or above an angle of ninety (90) degrees above nadir, and one hundred ten (110) percent at or above a vertical angle of eighty (80) degrees above nadir. This applies to all lateral angles around the luminaire.

Cutoff angle means the maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Detached clustered dwellings means detached single-family homes on individual lots which may not require street frontage or side yard setback areas, but which are only permitted in planned and coordinated developments.

Development, floodplain, means any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

District means any section of the city as shown on the official zoning map for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

Drive-in restaurant means any eating or drinking establishment designed for the consumption of food or drinks by persons in vehicles parked on the premises.

Drive-thru, drive-in, or drive-up uses means a business where customers drive through a specified locality or place, especially driving into a place of business, completing a transaction from one's car, and driving out.

Dwelling means one (1) room or a suite of two (2) or more rooms designed for or used by one (1) family for living and sleeping purposes and having its own cooking and sanitary facilities and being within a principal building.

Dwelling, attached, means a dwelling which is joined to other dwellings at two (2) or three (3) sides by party walls with no dwelling above or below any other dwelling and arranged in a row, including the dwellings at the ends.

Dwelling, detached, means a residential building which is entirely surrounded by open space on the same lot.

Dwelling, four (4) family, means a principal building designed for or occupied by four (4) families and containing four (4) dwelling units.

Dwelling, multiple, means a principal building or portion thereof designed for three (3) or more families and containing three (3) or more dwelling units.

Dwelling, semidetached, means the dwelling which is joined to another dwelling at one (1) side only by a party wall.

Dwelling, single-family, means a principal building designed for or occupied by one (1) family and containing one (1) dwelling unit.

Dwelling site means a designated location for residential use by one (1) or more persons, including temporary or movable shelters and camping and recreational vehicle sites.

Dwelling, three (3) family, means a principal building designed for or occupied by three (3) families and containing three (3) dwelling units.

Dwelling, two (2) family, means a principal building designed for or occupied by two (2) families and containing two (2) dwelling units.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion and sediment control plan means a plan for the control of soil erosion and sediment resulting from a land-disturbing activity.

Established residential neighborhoods in built-up urban areas means a tract of land which, prior to July 2, 1979, was partially developed or ready for development and included some if not all of the following improvements: public sanitary sewer, public water, subdivided building sites, graded streets, paved streets, curb and gutter, developing and completed residential structures.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Family means a person living alone or two (2) or more persons related by blood or marriage living together as a housekeeping unit and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a single housekeeping unit on a nonprofit, cost-sharing basis.

Farm means an area which is used for the growing of usual farm products such as vegetables, fruit, trees and the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one (1) or more of the uses listed in this definition, including dairy farms, with the necessary accessory uses for treating or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to the normal farming activities. The term "farm" does not include intensive livestock raising such as feed lots or large batteries of rabbit or other animal hutches.

Fence means an accessory structure forming an enclosed barrier or boundary and constructed of posts, boards, wire, stakes or rails; or a wall of brick, stone, concrete or similar materials.

Flood means a temporary increase of the flow or stage of a stream or in the stage of a lake or the temporary ponding of surface runoff that results in the inundation of normally dry areas.

Flood frequency means the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the county and incorporated areas. For lakes, the flood fringe shall be the floodplain above the ordinary high water level.

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or may be covered by the regional flood and areas subject to periodic ponding from local runoff.

Floodplain zoning map means a portion of the zoning map adopted in accordance with section 50.0003 as required therein.

Floodproofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry, store, and discharge the regional flood. For lakes, the floodway shall be the floodplain area at or below the ordinary high water level.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

Fraternity or sorority house means a building rented, occupied or owned by a general or local chapter of some regularly organized college fraternity or sorority or by or on its behalf by a building corporation or association as a place of residence.

Frontage means all the property on one (1) side of a street or place between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place or, if the street or place is dead ended, all the property abutting one (1) side between an intersecting street or place and the dead end of the street or place, but not including the dead end of the street.

Fully shielded luminaire means a luminaire that emits no direct uplight, but which has no limitation on intensity in the region between eighty (80) degrees and ninety (90) degrees.

Garage, private, means an attached or detached accessory building designed or used for the storage of motor-driven vehicles, not more than two (2) of which are owned by other than the occupants of the main building.

Garage, public, means any principal building or portion of a principal building, except that defined in this section as a private garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, including the sale of gasoline, oil and accessories.

Garage, repair, means any facilities for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments, or junkyards.

Gazebo means a roofed accessory structure that offers an open view of the surrounding area, typically used for relaxation or entertainment.

General floodable area means an area of the city designated by the city engineer as floodable by local runoff for a temporary and indefinite period of time.

Glare means direct light emitted from a light source which causes eye discomfort.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is

more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading, filling and excavating means any land change which may result in soil erosion from water or wind, or the movement of sediments into state waters or onto lands in the state without regard to who titleholders of such receiving lands may be, including, but not limited to, tilling, clearing, grading, excavating, transporting and filling of land.

Hardship means the same as that term is defined in Minn. Stats. ch. 462.

High valued damaged areas means lakes, ponds, reservoirs, streams, residential areas, commercial areas, and drainage systems, both natural and manmade.

Home occupation means any occupation which is clearly incidental to the principal use of the premises, is conducted by a resident occupant and does not change the character of the principal use.

Homeowners' association means an organization of property owners established for the purpose of providing maintenance, financial and legal responsibility, for a parcel of land in which they have a defined common interest.

Hospital means an institution providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities, such as laboratories, outpatient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

Hotel or motel means any building or portion thereof, including clusters of unattached or semi-attached cabins or cottages, which is intended or designed to be used or which is used, rented or hired out to be occupied for sleeping purposes by more than five (5) guests. All or a portion of a hotel or motel may be used for extended stay. Extended stay shall mean for periods of up to thirty (30) days, and thirty (30) day contracts or contracts for lesser periods may be renewed at the discretion of the hotel or motel management.

Illuminating Engineering Society (IES) means a recognized technical and educational authority on illumination with a mission to improve the lighted environment by bringing together those with lighting knowledge and by translating that knowledge into actions that benefit the public.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Initial luminaire lumen means the output calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume seventy (70) percent. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Institution means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Junkyard means a place where waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, and used material yards, but not including pawnshops, antique shops, and places for the sale, purchase or storage of used furniture and household equipment, used cars in inoperable condition or salvaged materials incidental to manufacturing operations.

Landing means a platform at the top or bottom of a staircase or a platform interrupting a flight of stairs.

Landscaping is the process of developing and enhancing a site with coordinated live and inert materials to create an attractive three (3) dimensional image of large shade and decorative deciduous trees, large and decorative evergreens, mid-level and small decorative shrubs and flowering plants and varieties of ground cover applied to all areas of a site that are not used for buildings, parking and driveways.

Light pollution means the shining of light produced by a luminaire above the height of the luminaire and into the sky.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Limited occupancy specialty hotel means a hotel for not more than fifteen (15) guestrooms where one (1) or more sit-down meals are provided for each guest with the meal being served within the hotel facilities specifically designed for dining purposes and provided as part of the basic cost of occupancy.

Limited retail in historic residence means a retail facility of not more than two thousand (2,000) square feet gross retail area located in an existing residence constructed prior to 1937 and meeting conditions as established in this chapter.

Live/work means a land use concept which mixes residential and a commercial or industrial activity within the same vertical space with the residential activity being above the commercial or industrial activity, but not necessarily separated therefrom. Live/work spaces provide the opportunity for one to carry out his profession or vocation within the same vertical land use space. Live/work is a land use entity in itself and is not regulated as a customary home occupation as provided in section 50.0022.

Lodginghouse means any building or portion thereof containing not more than five (5) guestrooms where rent is paid in money, goods, labor or otherwise.

Lot means, for zoning purposes, a parcel of land intended for occupancy by one (1) or more principal buildings and any accessory buildings. Such lot shall have frontage on a public street and shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and open spaces as required within the district in which it is located. Manufactured home parking sites in manufactured home parks are not defined as lots in accordance with this section. Lots approved as part of a condominium, semidetached, attached, to clustered dwelling developments are exempt from the requirements of this section; however, such lots are regulated in accordance with the specific requirements of the approved plan for such exempt developments. A lot may consist of:

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, or a combination of completed lots of record and portions of lots of record, provided that it is recorded as one (1) lot.
- (4) A parcel of land described by metes and bounds description and recorded by the county recorder prior to the adoption of the ordinance from which this chapter is derived or any newly described metes and bounds parcel of less than five (5) acres, and in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

Lot, corner, means a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than one hundred twenty (120) degrees.

Lot coverage means that percentage of a lot which, when viewed in its horizontal plane, would be covered by a structure or any part thereof.

Lot frontage means the front of a lot, which shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontages, and yards shall be provided as indicated under the definition of the term "yard" in this section.

Lot lines means the lines bounding the lot.

Lot measurements are computed as follows:

Lotdepth means horizontal distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lotwidth means the distance between the horizontal lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points, where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except for lots on the turning circle of a cul-de-sac, where the eighty (80) percent requirement shall not apply.

Lot area means the area contained in a horizontal plane defined by the lot lines.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the county recorder.

Lot, interior, means a lot other than a corner lot with only one (1) frontage on a street other than an alley.

Lot, through, means a lot other than a corner lot with frontage on more than one (1) street other than an alley. Through lots with frontage on two (2) streets may be referred to as double-frontage lots.

Lot, reversed frontage, means a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

Lowest floor, floodplain, means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Lumen means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from watt, a measure of power consumption).

Luminaire means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in

length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and is 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 therein, except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the department of housing and urban development and complies with the standards established under this chapter. The term "manufactured home" does not include the term "recreational vehicle."

Manufactured home, floodplain, means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Manufactured home park means a parcel of land which has been planned and improved for the placement of two (2) or more manufactured homes for nontransient use.

Motor freight/warehousing means a building in which freight brought by motor truck is assembled and sorted for routing in shipment.

Motor fuel stations means a business where gasoline is stored in underground tanks for operation of automobiles and is retailed directly to the public on-premises and includes minor accessories and services for automobiles or minor convenience sales.

Nadir means, in the lighting discipline, the angle pointing directly downward from the luminaire, or zero (0) degrees. Nadir is opposite the zenith.

Nonconforming use means a building, structure or premises legally existing or used at the time of adoption of the ordinance from which this chapter is derived or any amendment thereto and which does not conform to the use provisions of this chapter for the district in which the premises is located.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Outdoor seating means an area of additional seating for a dining or other similar business establishment on or adjacent to the public right-of-way or public property.

Outside storage, active, means any materials, products, operable vehicles and machinery, displays, stockpiles or any other thing left in a location on the premises that is not located in a fully enclosed building that is actively used as part of the principal use of the property, including the display of merchandise for sale, lease or rental.

Outside storage, inactive, means any materials, products, operable vehicles and machinery, displays, stockpiles or any other thing left in a location on the premises that is not located in a fully enclosed building that is not actively used as part of the principal use of the property, including the long-term storage of such items. Under no scenario is inactive storage

intended to include any items defined in a junkyard, salvage yard, or declared a nuisance by this section.

Parking lot means a parcel of land containing one (1) or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as on a residential lot.

Parking space means a surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a street or alley, and permitting ingress and egress of an automobile.

Patio homes means attached dwellings having separate ground level entrances and no other dwelling units above or below.

Pergola means an accessory structure garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Place means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to adjoining property.

Porch means a covered structure forming an entrance to a building and generally having a separate roof or as a recess within the roofline of the building forming an entrance, vestibule or veranda.

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.

Principal use means the purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Public waters means any waters as defined in Minn. Stats. § 103G.005, subds. 14 and 15.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

Recreational camping area means any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five (5) or more units, consisting of tents, travel trailers, pickup coaches, motor homes or camping trailers, and whether use of such accommodation is granted free of charge or for compensation.

Recreational vehicle means a vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this section, the term "recreational vehicle" shall be synonymous with the term "travel trailer/travel vehicle" or "motor home."

Recycling center means any area or structure, whether privately or publicly owned and operated, that engages in recycling or reclamation of metals, paper, or other materials, including crushing, shredding, baling or compacting materials such as auto bodies, scrap metal, etc.

Regional flood means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one (1) percent chance or one hundred (100) year recurrence interval. The term "regional flood" is synonymous with the term "base flood" used in the flood insurance study.

Regulatory flood protection elevation means an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. For watercourses, the regulatory flood protection elevation shall be calculated by adding one (1) foot to the base flood one (1) percent annual chance floodwater surface elevations with floodway that are listed in the floodway data table of the flood insurance study reports of the and incorporated areas, adopted in subsection 50.0003(d)(2). For lakes, the regulatory flood protection elevation shall also be determined to the nearest one-tenth (0.1) foot by adding one (1) foot to the one hundred (100) year flood elevation as specified in the respective flood insurance study reports as adopted in subsection 50.0003(d)(2).

Repetitive loss means flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

School, primary, secondary, college or university means any school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of and in accordance with the applicable state statutes.

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints, such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Service station or gasoline station means any building or premises used principally for the dispensing, sale or offering for sale at retail of automobile fuels or oils or for the servicing of motor vehicles.

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, road, highway, property line, or other facility.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer system means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shed means a simple roofed accessory structure, typically made of wood or metal, used as a storage space.

Shopping center means a land development for retail purposes which shall have all of the following characteristics:

- (1) Having a gross floor area of two hundred thousand (200,000) square feet or more.
- (2) Having one (1) or more buildings or parcels and ten (10) or more retail outlets.
- (3) Having one (1) or more retail outlets which is an anchor store with fifty thousand (50,000) square feet or more in retail services.
- (4) Located on ten (10) or more acres of land.
- (5) Providing shared parking facilities through common landownership, common leases or cross easements.
- (6) Having a common identification name and image.

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland means land located within one thousand (1,000) feet from the ordinary high water level of the lakes classified in section 50.0789 and land located within three hundred (300) feet from the streams classified in section 50.0789, shoreland management or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

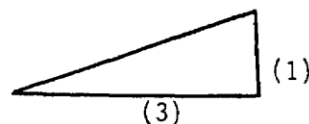
Shoreland development standards means specific criteria applied to land within the shoreland management district.

Shoreland management district means all shorelands of the protected waters extending up to three hundred (300) feet from the ordinary high water mark, or the first tier of lots on existing riparian development, or the first tier of lots beyond a public street in existing development when the street is adjacent to public waters.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Slope



slope - 3:1 = 3 ft. horizontal to 1 ft. vertical

Solar collector or *collector* means a device or combination of devices, structures or part of a device or structure that collects solar radiation and converts it to thermal, mechanical, chemical or electrical energy. The term "solar collector" or "collector" includes solar windows and glazing.

Solar energy means radiant energy (direct, diffused and reflected) received from the sun.

Solar energy system means a complete design or assembly consisting of a solar collector; an energy storage facility, where used, and components for distribution of transformed energy, to the extent such components cannot be used jointly with a conventional energy system, or thermal gas components, such as water tanks or masonry walls and floors.

Steep slope means land where development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in available county soil surveys or other reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Steradian (sr) means a unit of measure equal to the solid angle subtended at the center of a sphere by an area on the surface of the sphere equal to the square of the sphere radius.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be the portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade as defined in this section for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade, as defined in this section, at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Story, half, means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street means the entire width between property lines of a way or place dedicated, acquired, or intended for the purpose of public use for vehicular traffic or access other than an alley.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alteration means any change in the supporting members of a building, such as bearing walls or partition columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, overhead transmission lines, signs and billboards and walls.

Subdivision means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive three hundred sixty-five (365) days, any reconstruction, rehabilitation, including normal maintenance and repair, repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term "substantial improvement" includes structures that have incurred substantial damage,

regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the city's designated code enforcement official and which are the minimum necessary to ensure safe living conditions.
- (2) Any alteration of an historic structure provided that the alteration will not preclude the structures continued designation as an historic structure. For purposes of this section, historic structure shall be as defined in CFR part 59.1.

Supervised living facility means a residential facility consisting of multiple dwellings and common facilities providing for twenty-four (24) hour professional staff counseling and assistance to residents.

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

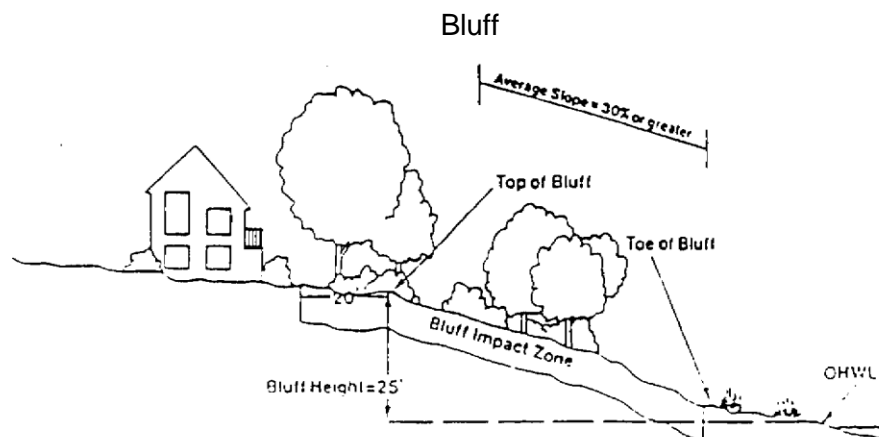
Tattoo parlors means a business intended to complete the service of performing tattoos or permanent body art, which are described as a permanent mark or design made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars.

Temporary accessory structure means any construction trailer, cargo container, tent, canvas, cloth, wood, or plastic covered framed structures, any other enclosure of any type that does not meet state building code.

Temporary lighting means lighting installed and operated for periods not to exceed sixty (60) days, completely removed and not operated again for at least thirty (30) days such as for seasonal celebrations, and outdoor events.

Timeshare means any individual housing unit, whether permanently or temporarily occupied, intended for shared use by more than one (1) household and under management control by a single management entity.

Top of the bluff means the upper point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent (See illustration below).



Tower means any ground, building, or roof mounted pole, spire, structure, or combination thereof taller than twenty-five (25) feet above the highest surface on which the structure is

mounted, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Townhouse means attached dwelling units, each with a separate entrance to front and rear yards.

Tree means any object of natural growth.

Variance means a modification of a specific permitted development standard required in this chapter to allow an alternative development standard not stated as acceptable in this chapter, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in this chapter.

Vehicle wash or car wash means any commercially-operated washing station for vehicles, whether intended as full-service or self-service.

Veterinary clinic means a place for the care, diagnosis and treatment of sick, ailing or diseased animals which may include kennels for domestic pets, but does not include areas for the boarding of farm animals.

Warehousing and storage lots means a building or stockyard intended for the sole purpose of storing materials and goods for use in manufacturing operations or retail sales.

Wetland means a surface water feature classified as a wetland in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989).

Wind energy conversion system (WECS) means any device that converts wind power to useable energy, such as electricity or heat. A wind energy conversion system may also be referred to by such common names as "wind charges," "wind turbine" and "windmill."

Yard means a required open space unobstructed by any structure or portion of a structure from the ground upward; provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated in this chapter.

Yard, front, means a yard extending between side lot lines, the depth of which is measured parallel to and beginning at the street right-of-way line. For purposes of determining the front yard on a corner lot, the front yard shall be that portion of the lot having the shortest distance on the public right-of-way or the owner may seek a determination or confirmation from the zoning official as to the front yard. Owner must demonstrate that access and orientation of the primary structure on the larger dimension would not create a traffic hazard. Such determination shall be recorded with the city as being the front yard of record from that date.

Yard, rear, means a yard extending across the rear of the lot between side lot lines beginning at the rear of the principal structure and extending to the rear lot line. For through lots, there will be no rear yard. For corner lots, the rear lot shall extend from the interior side lot line to the setback line required along the side street. Depth of the required rear yard shall be measured at right angles to a straight line across the lot adjoining the rearmost points of the side lot lines or, for a dedicated alley, it shall be measured from the rearmost points of the side lot lines when extended to the centerline of the alley. For irregular rear yards (i.e., lakeshore, curves, angles, etc.), the depth of a required rear yard shall be measured at right angles to a straight line which represents the average distance of the rearmost points of the side lot lines projected to the rear of the lot or parcel.

Yard, side, means a yard extending from the rear line of the required front yard to the rear yard. For through lots, side yards shall extend from the rear lines of the front yard required. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. For irregular side yards (i.e., lakeshore,

curves, angles, etc.), the width of a required side yard shall be measured at right angles to a straight line which represents the average distance of the ends of the front and rear lot lines on the same side of the lot projected to the exterior side lot line. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Zoning inspector means the zoning inspector is the appropriately designated official appointed by the city manager for the purpose of administrating and enforcing this chapter.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE I, SECTION 50.0027

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article I – In General, Section 50.0027 Sexually oriented businesses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

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 one thousand (1,000) feet of a school or five hundred (500) feet of a daycare, 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 five hundred (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 (1,000)~~ **five hundred (500)** 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 (1,000)~~ **five hundred (500)** 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.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0229

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0229, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0229. – Prohibited uses.

(1) *Cannabis products*. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0230 – 50.0249. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0256

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0256, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0256. – Prohibited uses.

(1) *Cannabis products*. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0257 – 50.0273. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0280

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0280, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0280. – Prohibited uses.

(1) *Cannabis products*. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0281 – 50.0306. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0313

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0313, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0313. – Prohibited uses.

(1) *Cannabis products*. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0314 – 50.0342. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0351

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0351, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0351. – Prohibited uses.

(1) *Cannabis products*. All commercial cannabis cultivation, retail, warehousing and manufacturing.

Sec. 50.0352 – 50.0373. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTION 50.0376

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Section 50.0376, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0376. – Prohibited uses.

- (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 oriented business.
- (3) Tobacco stores.
- (4) Liquor stores.

Sec. 50.0377 – 50.0393. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 8, SECTION 50.0395, 50.0396, AND SECTION 50.0403-50.0432

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 8 – B-2 Community Business District, Section 50.0395 Principal permitted uses, Section 50.0396 Conditional permitted uses, and Section 50.0403 - 50.0432, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0395. – Principal permitted uses.

In the B-2 community business 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) Vocational and technical schools, industrial training centers, colleges and universities.
- (2) Retail stores.
- (3) Personal services and business services:
 - a. Personal service establishments.
 - b. Post offices and telegraph offices.
 - c. General business services.
 - d. Eating and drinking places, restaurants, cocktail lounges, including entertainment.
 - e. Hotels.
- (4) Processing. Bakery, catering establishment, laundry or dyeing and cleaning works.
- (5) Ice storage and distribution stations.
- (6) Minor fabrication and repair. Appliance and television repair shops, muffler shops, radiator repair and similar services.
- (7) Automotive service stations including auto repairing, tire repair shops, muffler shops, radiator repair and similar services.
- (8) Drive-in uses. Drive-in banks, building and loan companies and similar financial institutions with drive-in or drive-up facilities, drive-in eating places, food sale shops, liquor stores, and similar automotive oriented retail sales.
- (9) Mortuaries.

- (10) Studios. Art, television, radio, music and dance, conservatories.
- (11) Animal hospitals, veterinary clinics.
- (12) Automotive, farm implement, and marine sales and services. Automobiles, trucks, trailers, farm implements, motor homes, manufactured homes, boats and marine equipment, and associated repair facilities such as body and fender shops, paint shops, and radiator repair, but not including dismantling, parting, crushing or salvage.
- (13) Nurseries, garden centers, agricultural supplies
- (14) Lumberyards, home improvement centers, and agricultural building supplies.
- (15) Commercial parking garages and lots. Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance, which reservoir space shall have a capacity of no less than two (2) vehicles.
- (16) Collection, packaging, and shipping of light metals such as aluminum cans and other products such as newspaper and cardboard for the purpose of recycling. The actual processing of the materials is not permitted.
- (17) Churches and religious buildings.
- (18) Clubs.
- (19) Clinics and hospitals.
- (20) 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.

In the B-2 community business district, conditional uses are permitted as follows:

- (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) Climate controlled personalized storage or mini-warehousing provided that no mini-warehousing tenant space is utilized for retail sales, processing or manufacturing. Mini-warehousing shall be developed with a minimum of 250 square feet of office, retail or accessway that is established within the required glass area facing the primary front

yard. The percentage of climate control, configuration of structure, fencing, landscaping and other factors shall be considered within the conditional use application process.

(3) Sexually oriented business. As regulated in Section 50.0027 and 50.0031.

Sec. 50.0403. – Prohibited uses.

(1) Cannabis products. All commercial cannabis cultivation, warehousing and manufacturing.

Sec. 50.0404 – 50.0432. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 9, SECTION 50.0434,
AND SECTION 50.0441 – 50.0453**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 9 – B-3 Central Business District, Section 50.0434 Principal permitted uses, and Section 50.0441 - 50.0453, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0434. – Principal permitted uses.

In the B-3 central business district, no building, structure or land shall be used and no building or structure shall be erected for other than one (1) of the following uses, except as provided in article VIII of this chapter pertaining to nonconforming uses:

- (1) Generally. Trade services, retailing, personal service and business service establishments, automotive service stations and auto repair, but excluding motor vehicle sales, outdoor marine sales, lumberyards, home improvement or home care centers, and similar uses requiring large outdoor storage, sales, and display areas.
- (2) Hotels, restaurants, lounges, entertainment.
- (3) Commercial parking garages and lots. Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance, which reservoir space shall have a capacity of no less than two (2) vehicles.
- (4) Apartments, condominiums, housekeeping rooms, and housing for elderly may be permitted above the first or ground floor when the first or ground floor is developed for a business activity.
- (5) Public transportation terminals.
- (6) Limited manufacturing associated with a retail service within the same building.
- (7) Churches and religious buildings.
- (8) Clubs.
- (9) Clinics and hospitals.
- (10) Retail sales of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0441. – Prohibited uses.

- (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.

Sec. 50.0442 – 50.0453. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 10, SECTION 50.0456,
AND SECTION 50.0457**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 10 – B-4 Freeway Interchange Zone, Section 50.0456 Principal permitted uses, and Section 50.0457 Prohibited uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0456. – Principal permitted uses.

In the B-4 freeway interchange zone, principal permitted uses are as follows:

- (1) Motor vehicle fueling facilities for all size highway vehicles and providing all common fuel types.
- (2) Restaurants.
- (3) Diversified services for the traveling public and truck transport industry.
- (4) Hotels and motels.
- (5) Offices.
- (6) General retail sales.
- (7) Medical facilities.
- (8) Retail sales of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0457. – Prohibited uses.

In the B-4 freeway interchange zone, prohibited uses are as follows:

- (1) Industry.
- (2) Automotive or truck sales, except for those in fully enclosed buildings with no outdoor sales or display area.
- (3) Residential uses other than overnight accommodations or residences for service personnel accessory to principal uses.
- (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) Predominately tobacco retail.
- (7) Liquor stores.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 11, SECTION 50.0474,
AND SECTION 50.0475**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 11 – IDD Interstate Development District, Section 50.0474 Principal permitted uses, and Section 50.0475 Prohibited uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0474. – Principal permitted uses.

In the interstate development 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 and is in compliance with the provisions of this division, except as provided in article VIII of this chapter:

- (1) Retailing and consumer services, governmental offices and facilities, financial and business centers and services.
- (2) Eating and drinking places, restaurants, cocktail lounges, theaters and entertainment.
- (3) Retail and convenience retail including vehicle fuel.
- (4) Hotels, motels, and hospitality facilities.
- (5) Automotive, truck, agricultural, and recreational vehicle sales and services.
- (6) Lumberyards, home improvement centers, and agricultural building supplies.
- (7) Churches and religious buildings.
- (8) Clubs.
- (9) Clinics and hospitals, medical centers and services.
- (10) Public and private transportation terminals and heliports.
- (11) Industrial offices, research and training centers.
- (12) Manufacturing. Light manufacturing or processing, including assembling, fabricating, altering, converting, finishing, treating, packaging or bottling.
- (13) Warehousing and wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use except any hazardous combustible materials and flammable liquids or gases.
- (14) Multifamily residential, including townhouses of three (3) or more units, subject to useable open space requirement of four hundred (400) square feet per dwelling unit.

- (15) Day care either as a freestanding use or incorporated into a residential, business, or industrial land use.
- (16) ~~Live/work.~~ Retail of low potency cannabis products not more than 5% of the retail products available.

Sec. 50.0475. – Prohibited uses.

In the interstate development 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 any of the following uses:

- (1) Outdoor advertising devices, billboards.
- (2) Sexually oriented businesses.
- (3) Personalized storage or mini-warehousing.
- (4) The processing of iron ore, pulp wood, auto reduction, or similar uses as are permitted by conditional use in the I-2 industrial district, section 50.0532.
- (5) 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.
- (6) Predominantly tobacco retail.
- (7) Liquor stores.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the __ day of __, 2024

Mayor Rich Murray

Filed and attested on the __ day of __, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 12, SECTION 50.0504, SECTION 50.0505 AND SECTION 50.0506

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 12 – I-1 Limited Industrial District, Section 50.0504 Principal permitted uses, Section 50.0505 Prohibited uses, and Section 50.0506 Conditional permitted uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0504. – Principal permitted uses.

In the I-1 limited industrial district, no building, structure or land 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:

- (1) Manufacturing. Any light manufacturing use or process, including assembling, fabricating, altering, converting, finishing, processing, treating, packaging or bottling, except any use or process specifically excluded in this division or which would not be in keeping with the purpose of the district as stated in section 50.0503. Such determination shall be made by the zoning administrator upon review of the building permit application.
- (2) Warehousing, storage and wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use except any hazardous combustible materials and flammable liquids or gases. The determination of hazardous materials shall be made by the zoning administrator following the standards and guidelines set forth in the state building code.
- (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) Personalized storage or mini-warehousing, provided that no mini-warehouse is utilized for retail sales, processing or manufacturing.
- (6) **Cannabis products. General retail, wholesaler, testing facility, transportation, delivery, low potency retail and medical retailer.**

Sec. 50.0505. – Prohibited uses.

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 enlarged which is arranged, intended or designed for any of the following uses:

(1) Residential.

- a. Dwellings;
- b. Apartments;
- c. Rooming houses, lodging houses and boarding houses;
- 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 manufacturer, cultivator, or exterior cultivation.
- c. Sexually oriented businesses.

Sec. 50.0506. – Conditional permitted uses.

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

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 13, SECTION 50.0530, SECTION 50.0531 AND SECTION 50.0532

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 13 – I-2 Industrial District, Section 50.0530 Principal permitted uses, Section 50.0531 Prohibited uses, and Section 50.0532 Conditional permitted uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0530. – Principal permitted uses.

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, or medical processor.

Sec. 50.0531. – Prohibited uses.

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 any of the following uses:

- (1) Residential.
 - a. Dwellings;
 - b. Apartments;
 - c. Rooming houses, lodging houses, and boarding houses;
 - d. Supervised living facilities;
 - e. Convalescent, nursing or rest homes;
 - f. Fraternity and sorority houses and similar cooperative housing;
 - g. Hospitals; hotels or motels; or
 - h. Manufactured home parks.

- (2) Cannabis products.

- (3) Sexually oriented businesses.
- (4) Liquor stores.
- (5) Predominantly tobacco retail.

Sec. 50.0532. – Conditional permitted uses.

In the I-2 industrial district, the following uses may be permitted when located more than four hundred (400) feet from a residential district and subject to other conditions as may be required:

- (1) Wrecking and salvage yards. Junkyards, including automobile wrecking and industrial metal and waste salvage.
- (2) Railroad yards.
- (3) Acid manufacture.
- (4) Cement, lime, gypsum or plaster of Paris manufacture.
- (5) Distillation of bones.
- (6) Explosive manufacture or storage.
- (7) Fat rendering.
- (8) Fertilizer manufacture.
- (9) Garbage reduction, dumping, or incineration.
- (10) Gas manufacture.
- (11) Glue manufacture.
- (12) Petroleum refining, including bulk storage.
- (13) Smelting of tin, cooper, zinc, or iron ores.
- (14) Stockyards or slaughter of animals.
- ~~(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.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 14, SECTION 50.0568
AND SECTION 50.0569**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 14 – I-3 Diversified Industrial District, Section 50.0568 Conditional permitted uses, and Section 50.0569 Prohibited uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0568. – Conditional permitted uses.

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.

In the I-33 diversified 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 any of the following uses:

- (1) Any of those uses permitted by conditional use in section 50.0532 pertaining to I-2 industrial district conditional permitted uses.
- (2) Billboards.
- (3) Single-family homes, duplexes, apartment buildings or first floor residential uses.
- (4) Nursing homes or convalescent care.
- (5) Cannabis products. All commercial cannabis cultivation, retail, warehousing and manufacturing.
- (6) Sexually oriented businesses.
- (7) Liquor stores.
- (8) Predominantly tobacco retail.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 16, SECTION 50.0619

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 16 – PD Planned Development District, Section 50.0619 Uses generally, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0619. – Uses generally.

All uses within the PD planned development district shall be conditional uses and include, but are not limited to, the following, in addition to section 50.0620:

- (1) Multiple dwelling units.
- (2) Commercial and industrial developments.
- (3) Public or private education facilities.
- (4) Attached, semidetached or clustered dwelling units, including townhouses and patio homes, on common or on individual lots in accordance with the following conditions:
 - a. Not more than eight (8) dwelling units shall be attached.
 - b. The property shall be in single ownership or control at the time the application for planned development district zoning is submitted.
 - c. Common areas shall be protected by covenants running with the land. The covenants shall require that a homeowners' association be held responsible for the maintenance of the common open space, accessory buildings, the exterior of the dwelling units, and any other legal obligations.
 - d. The subdivision of the parcel or lot to provide for the proposed development shall be accomplished in accordance with the subdivision regulations in chapter 38. Building permits may be granted after approval of the preliminary plat by the council. No sale of individual lots may occur until the final plat is approved by the council and registered with the county recorder.
- (5) Prohibited uses.
 - a. All cannabis products. All commercial cannabis cultivation, retail, warehousing and manufacturing.
 - b. Sexually oriented businesses.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, DIVISION 22, SECTION 50.0812

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article III – Districts, Division 22 – Diversified Central District, Section 50.0812 Prohibited uses, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0812. – Prohibited uses.

The following uses are expressly prohibited in the diversified central district, except when subject to legal, nonconforming status outlines in section 50.0983 of City Code:

- (1) Vehicle sales, services, repairs and maintenance;
- (2) Car, truck, or other vehicle washes;
- (3) Motor freight/warehousing;
- (4) Sexually oriented businesses;
- (5) Warehousing and storage lots;
- (6) Motor fuel stations;
- (7) Cannabis products. All commercial cannabis cultivation, retail, warehousing and manufacturing;
- (8) Sexually oriented businesses;
- (9) Liquor stores;
- (10) Predominantly tobacco retail stores.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE VI, SECTION 50.0846 – 50.0847

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article IV – Signs, Section 50.0846 – 50.0847, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

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

The following subsections concern signs in commercial districts and said signs are regulated according to the requirements set forth below:

(a) General provisions for commercial districts.

- (1) Signs may not be located closer than 15 feet of any property line that abuts any residential district.
- (2) Nonilluminated and illuminated window signs placed within a building and not exceeding 25 percent of the window in sign area shall be permitted. Coverage of up to an additional 25 percent (50 percent total) shall be allowed if the additional 25 percent is translucent or perforated to allow for light or vision in both directions.
- (3) An illuminated window sign must be limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less which do not allow light trespass past the boundaries of the property on which it is located.
- (4) A product identification sign may be integrated into a permitted monument or wall sign and shall be included as part of the maximum allowable sign area. Product identification sign shall not exceed 15 percent of the maximum allowable sign area.
- (5) Signs may be attached to a canopy or marquee, but the canopy or marquee shall not be considered as part of the wall area and this not warrant additional sign area.
- (6) A temporary banner sign pertaining to the lease or sale of a building or property shall be permitted. Such sign shall not be illuminated and shall not exceed 32 square feet in area.

- (7) Vehicular service canopy signs shall be limited to a business logo and/or graphic design not to exceed 15 percent of each canopy face area or 10 square feet on each canopy face, whichever is smaller. Service station canopy signs shall be restricted to two (2) faces of the canopy and shall not be located above or below the canopy area.
- (8) Service stations may advertise gasoline prices on reader boards attached to a permitted freestanding sign and included in the total square footage of the allowable signage for an entire site.
- (9) Banner signs advertising products or services shall be limited to 10 percent of any building face and up to 16 square feet per banner. Banner sign square footage shall be included in the maximum wall signage allowed on any building face. In no case shall more than four (4) banner signs be placed on any one (1) building face. In B-3 and DCD districts banners are limited to two (2) per property. Banners shall be securely mounted and be free of damage or excessive weathering. Banner signs advertising special business events shall be limited to 60 days per event and shall have a 30-day period between banners for the same or like event. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- (10) Wall or banner signs shall not be permitted on any building wall facing an abutting residential property or properties, unless separated by a city street or highway right-of-way.
- (11) One (1) sandwich board sign is permitted per site or per tenant for multitenant sites and will not require permitting but are subject to the following:
 - a. Sandwich board signs may be no larger than three (3) feet in width and four (4) feet in height and no materials, including but not limited to, balloons, streamers, and windsocks, may be added to the sign to increase its height or width. Sandwich board signs may not contain electrical components or be lit.
 - b. Sandwich board signs must be placed on private property within 20 feet or the main entrance to the business being advertised.
 - c. Sandwich board signs shall be located as to maintain a minimum four (4) foot pedestrian walkway and so as not to obstruct vehicular traffic.
 - d. Sandwich board signs may be used only during the hours when the business is open to the public.
 - e. Sandwich board signs may only be placed on sidewalks that have been cleared of snow and/or other debris.

- (12) Each lot may fly a maximum of three (3) noncommercial speech flags and one (1) commercial speech flag on flag poles. Flag poles that are permanently mounted in the ground or mounted on a building may not exceed 75 feet in height.

Exception: B-3 and DCD are limited to 25 feet if space is available within the property boundary. There shall be a maximum height limitation 1,400 feet MSL in any district.

- (13) One (1) freestanding sign, no more than 200 square feet in area and 50 feet in height may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.

- a. Freestanding signs are prohibited in the B-3 district.
- b. In B-1 and DCD districts, freestanding signs are limited to 50 square feet in area and 25 feet in height.

- (b) *B-1, B-2, B-4, IDD, and PD with Commercial Uses.* Each individual lot may have two (2) individual flag, feather, or yard signs as defined in Sec. 50.0842. One (1) more additional can be added for each additional 50 feet lot frontage over 50 feet of width. In no case shall there be more than six (6) flag, feather, or yard signs per individual or adjacent properties under common ownership. Signs shall not be within public right of way. Maximum height of eight (8) feet of flag or feather, and not more than 11 feet from ground to uppermost point of material or structure. Yard signs limited to maximum of six (6) square feet and three (3) feet in height above ground.

- (c) *Single-tenant commercial sites.* On commercial property used exclusively for one (1) tenant, only signs stipulated below or in Sec. 50.0846 may be erected.

- (1) Buildings less than 50,000 square feet:

- a. One (1) freestanding monument sign not exceeding 20 feet in height and 80 square feet in area with a minimum 10-foot setback.
 1. The sign shall not contain an electronic message sign.
- b. One (1) freestanding sign not exceeding 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. One (1) wall sign per public street frontage not to exceed two (2) wall signs (should two public street frontages exist). Wall signs shall not exceed 15 percent of the front building wall façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 100 square feet in area. Single wall area is based on first floor

square footage only. Second floor area is not used to calculate any signage allowable area.

(2) Buildings between 50,000 square feet and 100,000 square feet:

- a. One (1) freestanding monument sign not exceeding 20 feet in height and 100 square feet with a minimum 10-foot setback. Must be a minimum of 100 feet from any other freestanding or monument sign. The sign shall not contain an electronic message sign.
- b. One (1) freestanding sign not exceeding 50 feet in height and 250 square feet may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. One (1) wall sign per public street frontage not to exceed two (2) wall signs (should two public street frontages exist). Wall signs shall not exceed 15 percent of the front building wall façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 100 square feet in area. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

(d) *Multitenant commercial sites*. On multitenant commercial sites, only signs as stipulated below or in Sec. 50.0844 may be erected.

(1) Buildings less than 50,000 square feet:

- a. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:
 1. One (1) monument sign not exceeding 20 feet in height and 80 square feet in area.
 2. If the center has frontage on more than one (1) arterial road, business district road or higher land use classifications, one (1) monument sign is allowed at each frontage. Total aggregate area of monument signage shall not exceed 10 feet.
- b. One (1) freestanding sign not exceeding 50 feet in height and 200 square feet may be allowed on each tenant site and be a minimum of 100 feet from any other freestanding or monument signs.
- c. End-cap tenants may have wall signs on three (3) building elevations. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front

façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

- d. Internal tenants may have wall signs on two (2) building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
 1. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.

(2) Buildings greater than 50,000 square feet:

- a. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:
 1. One (1) monument sign not exceeding 20 feet in height and 100 square feet in area.
 2. If the center has frontage on more than one (1) arterial road, business district road or higher land use classifications, one (1) monument sign may be allowed and erected at each frontage. Total aggregate area of monument signage shall not exceed 200 square feet in area.
- b. One (1) freestanding sign not exceeding 50 feet in height and 250 square feet may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. End-cap tenants may have wall signs on three (3) building elevations. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

d. Internal tenants may have wall signs two building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

1. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.

(e) *Awning, canopy and projecting signs allowed in B-2, B-4, I-1, I-2, I-3, IDD and PD with commercial or industrial uses.*

(1) Maximum sign area.

- a. Single-story buildings. The maximum total aggregate sign area, including wall signs, for each building face shall not exceed 20 percent.
- b. Multistory buildings. The maximum total wall sign area for each building face shall not exceed 20 percent of the first-floor level building face.
- c. Aggregate sign area includes both faces of double-sided signage.

(2) Maximum height.

- a. Shall not extend above the roof.

(3) Special provisions.

- a. Permitted for each building face abutting on or facing a public street, alley, or public parking area.
- b. Multistory buildings may also have one (1) identification sign for each wall facing or abutting on a public street or parking area.
- c. Shall not extend into the public right-of-way or over a property line.
- d. Projecting signs shall not project more than four (4) feet from the building façade. These signs shall be at least eight (8) feet above the grade. Maximum allowed projecting sign size is 20 square feet.

(f) *Awning, canopy and projecting signs allowed in B-3 and DCD.*

(1) Maximum sign area.

- a. 12 square feet total area per sign face (unless otherwise stated herein or approved through Certificate of Appropriateness in the historic district and a variance)

(2) Maximum height.

- a. Second story of building (unless otherwise stated herein)

(3) Special provisions.

- a. No more than 15 percent of any single wall of the building may be covered by signs of any type including awning, canopy, projecting or wall signs. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- b. A projecting sign may have two (2) faces and must project at right angles from the building façade or, if projecting from a corner, at 135 degrees from each face of the building. A corner shall be considered the corner of a building on an intersection of two (2) public rights-of-way. The sign shall not be more than four (4) feet long from the bottom to the top (unless located on a corner of a building, then it may be up to six feet long).
- c. A corner projecting sign up to 18 square feet is permitted.
- d. Awning, canopy and projecting signs shall not project more than four (4) feet from the building façade. These signs shall be at least eight (8) feet above the grade.
- e. Vacant buildings in the Historical Preservation District may have 100% coverage on the interior of windows. Acceptable signage is City approved artwork, public service announcements and events, and advertising from other Historical Preservation District businesses.
- f. All signs must be installed in accordance with the International Building Code and, if located in the National Commercial Historic District, obtain a Certificate of Appropriateness from the Historic Preservation Commission or appropriate staff prior to submittal for a sign permit.

(g) Any state of Minnesota licensed cannabis business of any type is limited to two (2) signs total on the property. Signs may consist of one (1) wall sign and one (1) 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 lighted signs shall be allowed. (Minn. Stats. § 342.64 subd. 2)

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

The following subsections concern signs in the I-1 and I-2 Industrial Districts and industrial designed land in planned unit developments. Said signs are regulated according to the requirements set forth below:

- (a) General provisions for industrial districts.
 - (1) Signs shall not be located within 10 feet of a front, side or rear property line.
 - (2) A product identification sign may be integrated into a permitted monument or wall sign and shall be included as part of the maximum allowable sign area. Product identification sign are shall not exceed 15 percent of a maximum allowable sign area.
 - (3) A temporary banner pertaining to the lease or sale of a building property. Such sign shall not be illuminated and shall not exceed 32 square feet in area.
 - (4) A double-faced sign shall be considered one (1) sign.
 - (5) One (1) freestanding sign not exceeding 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
 - (6) One (1) monument sign not exceeding 20 feet in height and 100 square feet in area and be a minimum of 100 feet from any other freestanding or monument sign.
 - (7) Each individual lot may have two (2) individual flag, feather, or yard signs as defined in Sec. 50.0842. One (1) additional may be added for each additional 50 foot lot frontage over 50 feet of width. In no case shall there be more than six (6) per individual or adjacent properties under common ownership.
 - (8) Signs shall not be within public right of way, maximum height of eight (8) feet of flag or feather, and not more than 11 feet from ground to uppermost point of material or structure. Yard signs are limited to a maximum of six (6) square feet and three (3) feet in height above ground.
 - (9) Banner signs advertising products or services shall be limited to 10 percent of any building face and to 16 square feet per banner. Banner sign square footage shall be included in the maximum wall signage allowed on any building face. In no case shall more than four (4) banner signs be placed on any one (1) building face. Banners shall be securely mounted and be free of damage or excessive weathering. Banner signs advertising special business events shall be limited to

60 days per event and shall have a 30-day period between banners for the same or like event. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

- (1) Each lot may fly a maximum of three (3) noncommercial speech flags and one (1) commercial speech flag. Flagpoles that are permanently mounted in the ground or mounted on a building may not exceed 75 feet in height. There shall be a maximum height limitation of one thousand four hundred (1,400) feet MSL in any district.

(b) Allowable signage.

- (1) *Single-tenant building.* On industrial property used exclusively for one (1) tenant only, signs as stipulated below or in Sec. 50.0844 may be erected.

- a. One (1) monument sign not exceeding 15 feet in height and 80 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- b. One (1) wall sign attached to only one (1) wall not to exceed 15 percent of the building façade or 100 square feet, whichever is less. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- c. One (1) freestanding sign not to exceed 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding for monument sign.

- (2) *Multitenant building.* On industrial property used for multitenant, only signs as stipulated below or in Sec. 50.0844 may be erected.

- a. One (1) monument sign 20 feet in height and 80 square feet in area.
- b. Individual tenants may have wall signs provided they are designed and arranged in accordance with the comprehensive sign plan for the entire multitenant building which has been prepared and submitted to the city by the owner and which has been approved by the city; further, the aggregate area of such signs shall not exceed 15 percent of the area of the wall to which they are attached or 80 square feet, whichever is less. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- c. One (1) freestanding sign not to exceed 50 feet in height and 200 square feet in area may be allowed on each tenant site and be a minimum of 100 feet from any other freestanding for monument sign.

(c) Projecting signs.

(1) *Single-story buildings.*

- a. The maximum total aggregate sign area, including wall signs, for each building face shall not exceed 20 percent.

(2) *Multistory buildings.*

- a. The maximum total wall sign area for each building face shall not exceed 15 percent of the first-floor level building face.
- b. Aggregate sign area includes both faces of double-sided signage.
- c. Maximum height: Sign shall not extend above the roof.

(3) *Special provisions.*

- a. Permitted for each building face abutting on or facing a public street, alley, or public parking area.
- b. A minimum distance of eight (8) feet between sidewalk and the bottom of the sign is required.
- c. Multistory buildings may also have one (1) identification sign for each wall facing or abutting on a public street or parking area.
- d. Shall not extend into the public right-of-way or over a property line.
- e. Projecting signs limited to a maximum of 20 square feet.

- (d) Any state of Minnesota licensed cannabis business of any type is limited to two (2) signs total on the property. Signs may consist of one (1) wall sign and one (1) 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 lighted signs shall be allowed. (Minn. Stats. § 342.64 subd. 2)

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the __ day of __, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE VI, SECTION 50.0937 – 50.0960

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article VI – Performance, locational and site development standards, Section 50.0937 – 50.0960, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0937 – 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 completion 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.

Sec. 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 occupancies.

(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. 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.

- (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 oriented businesses shall be 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 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.

Sec. 50.0939 – Locational and site setback requirements for cannabis, liquor stores, sexually oriented businesses, and predominantly tobacco and tobacco paraphernalia retail and processing related occupancies.

(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 one thousand (1,000) feet of a school or five hundred (500) feet of a daycare, 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 five hundred (500) feet between like uses. Additional setback requirements for sexually oriented businesses are in 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 in 50.0939 (a) (1) (a). 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 (a) (1).

Sec. 50.0940 – 50.0960. – Reserved.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the ___ day of ___, 2024

Mayor Rich Murray

Filed and attested on the ___ day of ___, 2024

Secretary of the Council