



**CITY OF MARSHALL**  
**Legislative & Ordinance Committee**  
**Agenda**  
**Tuesday, October 22, 2024 at 12:45 PM**  
**344 W. Main St., City Hall**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) Consider Approval of the Minutes

**OLD BUSINESS**

- [2.](#) Ordinance amending Sections 86-71 Classes And Enumeration Of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and adding new Section 86-166 Certification Of Cannabis Business License Application, all to comply with the new cannabis State regulations.

**NEW BUSINESS**

- [3.](#) Alley Reconstruction Methodology and Cost Split (Special Assessment Policy - III. Specific Policies, Item T-Alleys)
- [4.](#) Ordinance amending Sections 86-1 Definitions and 86-97 Low Density Residence District.

**OTHER BUSINESS ITEMS**

**ADJOURN**

**Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.**



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Chair
<b>Meeting Date:</b>	Tuesday, October 22, 2024
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes
<b>Background Information:</b>	Enclosed are the minutes from the previous meeting.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the previous meeting be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
LEGISLATIVE & ORDINANCE COMMITTEE  
M I N U T E S  
Tuesday, September 24, 2024**

**MEMBERS PRESENT:** James Lozinski, See Moua-Leske and Steve Meister.  
**MEMBERS ABSENT:** None.  
**STAFF PRESENT:** Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.  
**OTHERS PRESENT:** None.

At 4:00 PM Chair Lozinski called the meeting to order.

**Consider Approval of the Minutes**

Motion made by Moua-Leske, seconded by Lozinski to approve the minutes. All voted in favor.

**Ordinance Amending Sections 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, All to Comply with the New Cannabis State Regulations**

The State of Minnesota had passed law making cannabis related product legal. As part of the law local governments are permitted to regulate locations of cannabis related businesses through zoning ordinances. However, these zoning may be adopted by reasonable restrictions on time, place and manner but the ordinances cannot prohibit cannabis businesses from establishing. The proposed zoning sections were being changed to find an appropriate place for each type of licensed cannabis related businesses. The proposed changes were done in a consistent and simple manner. All cannabis related businesses were combined into one use line that listed permitted license types appropriate for districts, either as permitted or through a conditional use. Section 86-105 B-4 Shopping Center Business District was being repealed because the district was obsolete as no part of the city was zoned B-4 anymore. A few other minor changes were made in several sections to simplify the ordinances; most of them related to recently passed ordinance changes, such as Rental Ordinance. Attorney Whitmore advised that specific terms, definitions and statute references be added to various sections. Members sought clarification on certain sentences throughout the ordinance regarding permitted or conditional use. Members discussed what the different types of zoning districts entailed. Ilya and Director Anderson reviewed the districts and the allowed uses. Lozinski and Meister requested that some revisions be looked at by Attorney Whitmore and for allowed uses in business districts to be revisited.

No motion was made on the item.

**Other Business Items**

No other business items were presented.

**Adjournment**

At 4:35 PM Motion made by Lozinski, seconded by Meister to adjourn the meeting. All voted in favor.

Respectfully submitted,  
Steven Anderson  
City Clerk



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 10/22/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, October 22, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Sections 86-71 Classes And Enumeration Of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and adding new Section 86-166 Certification Of Cannabis Business License Application, all to comply with the new cannabis State regulations.
<b>Background Information:</b>	<p>The State of Minnesota has passed the law making most of cannabis related product legal. For all practical purposes, the only thing local governments are permitted to do is regulate the locations of cannabis related businesses through their zoning ordinances. All sections presented today are being changed to find an appropriate place for each type of a State licensed cannabis related business.</p> <p>The proposed changes are done in a consistent and simple manner. All cannabis related businesses are combined into one use line that lists permitted license types appropriate for a particular district, either as a permitted or conditional use. Section 86-166 Certification of cannabis business license application is added to comply with the State Statutes.</p> <p>Additionally, Section 86-105 B-4 shopping center business district is being repealed because this district is obsolete: no part of town is zoned B-4 anymore, so it is deleted from Section 86-71 Classes and enumeration of districts. A few other minor changes were made in several sections to simplify the ordinances; many of them relate to recently passed other ordinance changes, such as Rental Ordinance.</p> <p>The changes were presented to the Legislative and Ordinance Committee on 9/24/24, and recommendations were made by the committee members and the City attorney to make some revisions. All discussed revisions are included in the version being presented today.</p> <p>These changes will be presented at the next available Planning Commission meeting on November 13, 2024, for a public hearing. It will give enough time to go through two Council meetings to adopt these changes before the end of the year, as required by the State law.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-71 Classes and enumeration of districts, 86-96 A agricultural district, 86-102 B-1 limited business district, 86-103 B-2 central business district, 86-104 B-3 general business district, 86-105 B-4 shopping center business district, 86-106 I-1 limited industrial district, and 86-107 I-2 general industrial district, and adding new Section 86-166 Certification of cannabis business license application as recommended by staff.

## Section 86-71 Classes And Enumeration Of Districts

For the purpose of this chapter, the city is hereby divided into classes of districts which shall be designated as follows:

(a) *Agricultural district.* A agricultural district.

(b) *Residence districts.*

(1) R-1 ~~low density one-family~~ residence district;

(2) R-2 one- to four-family residence district;

(3) R-3 low to medium density multiple-family residence district;

(4) R-4 higher density multiple-family residence district;

(c) *Special residence districts.*

(1) R-M manufactured home park district.

(d) *Business districts.*

(1) B-1 limited business district;

(2) B-2 central business district;

(3) B-3 general business district;

~~(0) B-4 shopping center business district.~~

~~(f)~~(e) *Industrial districts.*

(1) I-1 limited industrial district;

(2) I-2 general industrial district.

## **Section 86-96 A Agricultural District**

- (a) *Intent; scope.* This section applies to the A agricultural district. This A district preserves land for agricultural or undeveloped uses until development pressures require that such land be released and rezoned for purposes of controlled and orderly growth according to the comprehensive plan pending proper timing and allowance for the economical provision of urban services.
- (b) *Permitted uses.* The following uses shall be permitted in the A agricultural district:
- (1) Cultivation, maintenance, or harvest of plants for the sale or other commercial use.
  - (2) Cannabis related businesses as follows: cannabis cultivator, as defined by state law and licensed by the Minnesota Office of Cannabis Management.
  - (3) Farming and truck gardening, nurseries and greenhouses.
  - (4) Golf courses and country clubs.
  - (5) Hobby farms including keeping up to six horses, mules, sheep, goats, llamas, or ponies.
  - (6) Parks and recreational areas owned or operated by governmental agencies.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the A agricultural district:
- (1) Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.
  - (2) Fallout shelters.
  - (3) Keeping ~~of not more than two~~ boarders and/or roomers by a resident family.
  - (4) Offices of persons and home occupations meeting the specific conditions of Section 86-50.
  - (5) Private garages and storage sheds.
  - (6) Private amateur radio towers and antennas complying with division 6.
  - (7) Private swimming pool when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.
  - (8) Single-family farm residences if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.
  - (9) Private accessory equipment complying with Section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.
- (d) *Conditional uses.* All conditional use permits for the A district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the A agricultural district by conditional use permit:

- (1) Archery range.
- (2) Automobile, motorcycle, go-cart or snowmobile race and driving tracks.

(3) Billboards or advertising signs complying with the following conditions:

- a. The size may not exceed 1,000 square feet and the height shall not exceed 45 feet.
- b. There shall be no more than two sign panels, and the sign length shall not exceed 55 feet.
- c. Such signs shall not be located closer than 200 feet to each other or to any residential district.

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- (4) Cemeteries, memorial gardens, and crematoriums.
- (5) Commercial solar energy collectors and systems.

~~Keeping of three or more roomers or boarders.~~

- (6) Kennels.
- (7) Other uses of the same general character as listed in subsection (b).
- (8) Outdoor and indoor gun ranges.
- (9) Recreational vehicle parks and camp sites.
- (10) Riding stables with up to six horses.
- (11) Shrimp and fish growing operations.
- (12) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

(e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the A district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed 2 1/2 stories or 30 feet in height.
- (2) *Front yard regulations.*
  - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
  - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.
- (3) *Side yard regulations.* There shall be a side yard, on each side of a building, each having a width of not less than five feet.
- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth.
- (5) *Lot area regulations.* Every lot shall contain an area of not less than 22,000 square feet.
- (6) *Lot width and depth regulations.* Every lot or plot of land on which a single-family

dwelling is erected shall have a minimum width of not less than 110 feet at the building setback line, and a minimum depth of not less than 200 feet.

(f) *General regulations.* Additional regulations in the A agricultural district are set forth in article VI of this chapter.

(g) *Future annexation.* Any land annexed to the city in the future shall be placed in the A agricultural district until placed in another district by action of the council after recommendation of the planning commission, unless the land being annexed is located within orderly annexation area and is not zoned A agricultural at the time of annexation.

(Code 1976, § 11.06; Ord. No. 404 2nd series, § 1, 11-16-1998; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 720 2nd series, § 1, 5-9-2017; Ord. No. 734 2nd Series, 2-12-2019; Ord. No. 741 2nd series, § 1, 9-24-2019)

**Cross reference(s)**—Animals, ch. 14.



## **Section 86-102 B-1 Limited Business District**

- (a) *Intent; scope.* This section applies to the B-1 limited business district. This B-1 district is intended to permit selected businesses in areas adjacent to residential neighborhoods where analysis of the population demonstrates that such establishment are required and desirable.
- (b) *Permitted uses.* The following uses shall be permitted in the B-1 district:

- (1) Antique, gift or florist shops.
- (2) Automobile parking lots excluding repairs and the parking of trucks and buses.
- (3) Barbershops or beauty shops.
- (4) Business or professional offices.
- (5) Cannabis related businesses as follows: lower potency hemp edible retailers and cannabis event organizers with no on-site events, as defined by state law and licensed by the Minnesota Office of Cannabis Management; b Businesses allowing off-sale retail sales requiring a registration under City Code, § 22-222. Businesses, except On-Site-Intoxicating Hemp Product Businesses, must be located at least:
  - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (6) Candy, ice cream, soft drinks or confectionery stores.
- (7) Churches.
- (8) Day care facility serving any number of individuals.
- (9) Fallout shelter.
- (10) Jewelry stores.
- (11) Laundromats and dry cleaning laundry pickup store.
- (12) Leather goods and luggage shops.
- (13) Medical clinics.
- (14) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (15) Pharmacies or drugstores, including gifts, stationery and similar items.
- (16) Photography studios.
- (17) Pipe or tobacco shops.
- (18) Public libraries.
- (19) Retail bake or pastry shops.
- (20) Retail medical supply stores.
- (21) Tailor shops.

- (1) Accessory uses customarily secondary incident to the uses permitted in subsections (a) and (b) of this section.
- (2) Living quarters of persons employed on the premises.
- (3) Off-street parking and loading as regulated by article VI of this chapter.
- (4) Private garage.
- ~~(5) Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.~~
- ~~(6)~~(5) Solar energy collectors and systems serving the individual property.
- ~~(7)~~(6) Storage garages ~~where the lot is occupied by a multiple family dwelling or an institutional dwelling.~~

(d) *Conditional uses.* All conditional use permits for the B-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the B-1 business district by conditional use permit:

- (1) Boardinghouses and lodging houses.
- (2) Gas station or car wash.
- (3) Grocery stores, fruit and vegetable markets.
- (4) Liquor stores (for consumption off the premises).
- (5) Meat shops and cold storage lockers (excluding slaughtering).
- (6) Medical, dental and optical labs.
- (7) Mortuaries or funeral homes.
- (8) Motels.
- (9) Multiple-family dwellings, apartment buildings or townhouses containing not more than eight dwelling units.
- ~~(10) Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~
- ~~(11)~~(10) Other business uses of the same general character as listed in subsection (b).
- ~~(12)~~(11) Parks and recreational areas.
- ~~(13)~~(12) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- ~~(14)~~(13) Public utility stations and structures.
- ~~(15)~~(14) Residential facility serving six or fewer individuals.
- ~~(16)~~(15) Restaurants, cafes, delicatessens or tearooms.
- ~~(17)~~(16) Shoe stores and shoe repair stores.
- ~~(18)~~(17) Single-family detached dwellings.
- ~~(19) Two family dwellings under single ownership, joint ownership or tenants in commo~~

~~(20) Two-family dwellings under split ownership under the following conditions:~~

- ~~a. The dwellings have separate utility service lines to each unit.~~
- ~~b. The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.~~
- ~~c. Proper separation of units exist as provided by the city building code.~~
- ~~d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.~~
- ~~e. The dwelling location on the lot be compatible with the neighborhood.~~
- ~~f. Landscaping, fencing, grading, exterior lighting, construction and driveway conform to the surrounding neighborhood.~~
- ~~g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.~~
- ~~h. The dwellings shall be a maximum height of two stories.~~
- ~~i. Not more than 50 percent of the lot area shall be occupied by buildings.~~
- ~~j. No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.~~

~~(21)~~(18) Water supply buildings, reservoirs, wells, elevated tanks, and other similar essential public utility structures, municipal or other government service buildings.

(e) *Height, yard and lot coverage regulations.* Height, yard and lot coverage regulations for the B-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed three stories or 35 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
- b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
- c. There shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard line on either street.
- ~~d. No front yard shall be required in the downtown district.~~

(3) *Side yard regulations.*

- a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
- ~~c. No side yard shall be required in the downtown district.~~

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.

~~c. No rear yard shall be required in the downtown district.~~

- (f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings. No lot coverage restrictions apply in the downtown district.
- (g) *General regulations.* Additional regulations in the B-1 business district are set forth in article VI of this chapter, except that no outside storage or displays of property for sale shall be permitted on any premises in such district.

(Code 1976, § 11.12; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008)

**Cross reference(s)**—Businesses, ch. 22.

HISTORY

Amended by Ord. [24-012](#) on 6/25/2024

## **Section 86-103 B-2 Central Business District**

(a) *Intent; scope.* This section applies to the B-2 central business district. This B-2 district is intended to preserve and enhance the city's central business district as the prime center for office and government employment, shopping and cultural activities. This B-2 district shall be restricted to the downtown district.

(b) *Permitted uses.* The following uses shall be permitted in the B-2 business district:

- (1) Animal pet shops.
- (2) Antique, gift or florist shop.
- (3) Appliance sales and service stores.
- (4) Armories, convention or exhibition halls.
- (5) Art, office, school, camera and photography supply stores.
- (6) Audio recording sales or rental.
- (7) Auto parts stores.
- (8) Automobile parking lots and the parking of trucks and buses.
- (9) Banks and savings institutions.
- (10) Barbershops or beauty shops.
- (11) Bars, taverns, cocktail lounges, nightclubs, dancehalls and theaters.
- (12) Bicycle sales or repair shops.
- (13) Billiard or pool halls.
- (14) Book or stationery stores.
- (15) Bowling alleys.
- (16) Bus stations or taxistands.
- (17) Business, commercial or dance schools.
- (18) Business or professional offices.
- (19) Cannabis related businesses as follows: lower potency hemp edible retailers, cannabis retailers, cannabis delivery services, and cannabis event organizers, as defined in state law and licensed by the Minnesota Office of Cannabis Management; ~~b~~Businesses allowing off-sale retail sales requiring a registration under City Code, § 22-222. ~~Businesses, except On-Site Intoxicating Hemp Product Businesses,~~ must be located at least:
  - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (20) Cabinet or carpenter shops.
- (21) Cabinet stores.
- (22) Candy, ice cream, soft drinks or confectionery stores.
- (23) Carpet, rug and flooring stores.

- (24) Churches.
- (25) Clothing stores.
- (26) Commercial radio or television broadcasting station.
- (27) Communication center (within building).
- (28) Department stores.
- (29) Fallout shelter.
- (30) Furniture stores.
- (31) Grocery stores, fruit and vegetable markets.
- (32) Hardware, hobby, sporting goods or toy stores.
- (33) Jewelry stores.
- (34) Job printing, newspaper, lithographing or publishing plants.
- (35) Laundromats and dry cleaning laundry pickup store.
- (36) Leather goods and luggage shops.
- (37) Liquor stores (for consumption off the premises).
- (38) Loan and finance company offices.
- (39) Lodge rooms or clubhouses for fraternal organizations.
- (40) Meat shops and cold storage lockers (excluding slaughtering).
- (41) Medical clinics.
- (42) Medical, dental and optical laboratories.
- (43) Mortuaries or funeral homes.
- (44) Motels or motor hotels.
- (45) Motion picture theatre.
- (46) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (47) Music studios or musical instrument stores.
- (48) Newsstands.
- (49) Paint or wallpaper stores and interior decorating studios.
- (50) Pet supply store.
- (51) Pharmacies or drugstores; including gifts, stationery and similar items.
- (52) Photography studios.
- (53) Physical culture or health clubs and gymnasiums.
- (54) Pipe or tobacco shops.
- (55) Plumbing shops, television or radio repair shops; when operated as accessory uses to retail sales establishments.
- (56) Public libraries.
- (57) Restaurants, cafes, delicatessens or tearooms.

- (58) Retail bakeries or pastry shops.
- (59) Retail ice delivery stations (excluding manufacturing).
- (60) Retail medical supply stores.
- (61) Sewing machine sales and service stores.
- (62) Shoe stores and shoe repair shops.
- (63) Tailor shops.
- (64) Variety stores.
- (65) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.
- (66) Video recording and equipment sales and repair stores.
- (67) Watch or clock repair, locksmith or pawn shops.
- (68) Water conditioning sales and services.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-2 central business district:

- (1) Accessory uses customarily secondary incident to the uses permitted in subsections (a) and (b) of this section.
- (2) Living quarters of persons employed on the premises.
- (3) Off-street parking and loading as regulated by article VI of this chapter.
- (4) Solar energy collectors and systems serving the individual property.
- (5) Storage and parking garages ~~where the lot is occupied by a multiple-family dwelling, hospital or an institutional dwelling.~~

(d) *Conditional uses.* All conditional use permits for the B-2 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the B-2 central business district by conditional use permit:

- (1) Automobile garages and repair shops, with no outside storage or sales of vehicles, equipment or accessories.
- (2) Automobile laundry or car wash.
- (3) Automobile service stations, for sale of gasoline, oil and accessories.
- (4) Boardinghouses and lodginghouses; convalescent, nursing and rest home.
- (5) Drive-in retail or service stores.
- (6) Garden supply stores.
- (7) Hospitals (excluding nonhuman).
- (8) Multiple-family dwellings, apartment buildings or townhouses.
- (9) Other business uses of the same general character as listed in subsection (b).
- (10) Parks and recreational areas owned or operated by governmental agencies.



- (11) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- (12) Repair and rental shops of domestic type equipment and items.
- (13) Residential facility or day care facility.
- (14) Self-storage warehouse on floors other than main level.
- (15) Sports arenas or stadiums, indoor skating rinks.
- (16) Tire, battery and automobile accessories shops.
- (17) Trade schools.
- (18) Upholstery and furniture repair shops.
- (19) Utility stations and structures.
- (20) Water supply buildings, reservoirs, wells, elevated tanks, and other similar essential public utility structures, municipal or other government service buildings.

(e) *Height, yard and lot coverage regulations.* Height, yard and lot coverage regulations for the B-2 district are as follows:

- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.
- (2) *Front yard regulations.* No front yard shall be required.
- (3) *Side yard regulations.* No side yard shall be required.
- (4) *Rear yard regulations.* No rear yard shall be required.

(f) *Lot coverage regulations.* There are no lot coverage regulations.

(g) *General regulations.* Additional regulations in the B-2 central business district are set forth in article VI of this chapter.

(Code 1976, § 11.13; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 703 2nd series, § 1, 12-8-2015)

**Cross reference(s)**—Businesses, ch. 22.

HISTORY

Amended by Ord. [24-012](#) on 6/25/2024



## **Section 86-104 B-3 General Business District**

(a) *Intent; scope.* This section applies to the B-3 general business district. This B-3 district provides a location for uses that are appropriate to thoroughfare locations, are largely dependent upon thoroughfare traffic, and are not suitable within other business districts.

(b) *Permitted uses.* The following uses shall be permitted in the B-3 business district:

- (1) Ambulance, taxi, bus, and rail stations or terminals.
- (2) Antique, gift or florist shop.
- (3) Apparel shops.
- (4) Appliance sales and service stores.
- (5) Art, office, school, camera and photography supply stores.
- (6) Audio recording sales or rental.
- (7) Auto parts and accessories.
- (8) Automobile and truck sales or used car lots.
- (9) Automobile garages and repair shops, with no outside storage of vehicles or equipment.
- (10) Automobile laundries and car washes.
- (11) Automobile parking lots and garages.
- (12) Automobile service stations, for sale of gasoline, oil and accessories.
- (13) Banks and savings institutions.
- (14) Barbershops or beauty shops.
- (15) Bars, taverns, cocktail lounges, nightclubs, dancehalls and theatres.
- (16) Bicycle or motorcycle sales or repair shops.
- (17) Billiard or pool halls.
- (18) Book or stationery stores.
- (19) Bowling alleys.
- (20) Business, commercial or dance schools.
- (21) Business or professional offices.
- (22) Cannabis related businesses as follows: lower potency hemp edible retailers, cannabis retailers, cannabis delivery services, cannabis wholesaler, and cannabis event organizers, as defined by state law and licensed by the Minnesota Office of Cannabis Management; cannabis lounges and businesses allowing off-sale retail sales requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at least:
  - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (23) Cabinet stores.
- (24) Candy, ice cream, soft drinks, or confectionery stores.

- (25) Carpenter, plumbing and heating, paint and wallpaper, and janitorial service shops.
- (26) Carpet and flooring stores.
- (27) Churches.
- (28) Day care facility serving any number of individuals.
- (29) Department stores.
- (30) Drive-in restaurants and other establishments that provide goods and services to patrons in automobiles.
- (31) Drive-in retail or service stores.
- (32) Drive-in theatres.
- (33) Drive-up bank and other offices.
- (34) Electric motors service shops.
- (35) Fallout shelter.
- (36) Furniture stores.
- (37) Garden and lawn supply stores.
- (38) Gas stations.
- (39) Glass sales and service stores.
- (40) Grocery stores or supermarkets.
- (41) Hardware, hobby, sporting goods or toy stores.
- (42) Health clubs.
- (43) Ice sales.
- (44) Jewelry stores and leather goods or luggage.
- (45) Laundromats and dry cleaning or laundry pickup stores.
- (46) Leather goods stores.
- (47) Liquor stores.
- (48) Loan and finance company offices.
- (49) Lodge rooms or clubhouses for fraternal organizations.
- (50) Marine or boat sales and repair shops.
- (51) Meat shops and cold storage lockers, excluding slaughtering.
- (52) Medical clinics.
- (53) Medical, dental and optical laboratories.
- (54) Miniature golf courses, archery and golf driving ranges; swimming pools serving more than one-family, skating rinks, tennis clubs, but excluding auto, motorcycle or go-cart race tracks.
- (55) Monument sales centers.
- (56) Mortuaries or funeral homes.
- (57) Motels or hotels.
- (58) Motion picture theatre.

- (59) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (60) Music studios or musical instrument stores.
- (61) Newspaper printing.
- (62) Outdoor nurseries and greenhouses.
- (63) Paint or wallpaper stores.
- (64) Pet shops.
- (65) Pet supply store.
- (66) Pharmacies or drugstores.
- (67) Photography studios.
- (68) Pipe or tobacco shops.
- (69) Post office stations.
- (70) Printing.
- (71) Public libraries.
- (72) Radio or television broadcasting stations.
- (73) Repair and rental of domestic type equipment and items.
- (74) Restaurants, cafes, delicatessens or tea rooms.
- (75) Retail bakeries or pastry shops.
- (76) Retail ice delivery stations.
- (77) Retail medical supply stores.
- (78) Sales and service centers for farm implements.
- (79) Sales and service centers of travel and camping trailers, and motor homes which do not require a special permit to be transported on a public highway.
- (80) Self-storage warehouse with inside access to individual units.
- (81) Sewing machine sales and service.
- (82) Shoe stores and repair.
- (83) Tailor shops.
- (84) Television or radio repair shops.
- (85) Tire, battery and automobile accessories shops.
- (86) Upholstery and furniture repair shops.
- (87) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.
- (88) Video sales or rental.
- (89) Water conditioning sales and service.

(90) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

(91) Wholesale business and office with no outside storage.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-3 business district:

(1) Accessory uses generally associated with the uses permitted in subsections (a) and (b) of this section.

(2) Off-street parking and loading as regulated by article VI of this chapter.

(3) ~~Signs as regulated by article VI of this chapter.~~

(4) Solar energy collectors and systems servicing the individual property.

(5) Storage and parking garages ~~where the lot is occupied by an institutional building.~~

(d) *Conditional uses.* All conditional use permits for the B-3 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following use may be permitted in the B-3 business district by conditional use permit:

(1) Amusement parks.

(2) Armories, convention or exhibition halls.

(3) Billboards or advertising signs complying with the following conditions:-

a. The size may not exceed 1,000 square feet and the height shall not exceed 45 feet.

b. There shall be no more than two sign panels, and the sign length shall not exceed 55 feet.

c. Such signs shall not be located closer than 200 feet to each other or to any residential district.

(4) Brewpubs.

(5) Cannabis related businesses as follows: cannabis testing facilities, as defined in state law and licensed by the Minnesota Office of Cannabis Management.

~~(5)(6)~~ College, university, post high school education or training institution, or seminary; public or private; with the nearest building line to property line distance of 150 feet to any single family dwelling property.

~~(6)(7)~~ Convalescent, nursing and rest homes.

~~(7)(8)~~ Farm feed and seed, or lawn and gardening supply store.

~~(8)(9)~~ Golf courses, including clubhouses.

~~(9)(10)~~ Heliport.

~~(10)(11)~~ Hospitals and medical centers.

~~(11)(12)~~ Kennels.

~~(12)(13)~~ Lumberyards.

~~(13)(14)~~ Meat and butcher shops and cold storage lockers, with limited slaughtering.

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- ~~(14)~~(15) Multiple-family dwellings, apartment buildings or townhouses.
- ~~(15)~~(16) Municipal or other governmental service buildings.
- ~~(16)~~(17) Other business uses of the same general character as listed in subsection (b).
- ~~(17)~~(18) Parks and recreational areas owned or operated by governmental agencies.
- ~~(18)~~(19) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- ~~(19)~~(20) Residential facilities serving six or fewer individuals.
- ~~(20)~~(21) Self-storage warehouse with outside access to individual units.
- ~~(21)~~(22) Sports arenas or stadiums, indoor skating rinks and physical culture or health clubs and gymnasiums.
- ~~(22)~~(23) Trophy and award assembly.
- ~~(23)~~(24) Utility stations and structures.

(e) *Height and yard regulations.* Height and yard regulations for the B-3 district are as follows:

- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.
- (2) *Front yard regulations.*
  - a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
  - b. There shall be a front yard having a depth of 35 feet on a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
  - c. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
  - d. No front yard shall be required in the downtown district.
- (3) *Side yard regulations.*
  - a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
  - b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
  - c. No side yard shall be required in the downtown district.
- (4) *Rear yard regulations.*
  - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
  - b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
  - c. No rear yard shall be required in the downtown district.

(f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings in the B-3 district. No lot coverage restrictions apply in the downtown district.

(g) *General regulations.* Additional regulations in the B-3 general business district are set forth in article VI of this chapter.

(Code 1976, § 11.14; Ord. No. 410 2nd series, § 2, 2-16-1999; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 719 2nd series, § 1, 5-9-2017; Ord. No. 753 2nd series, § 1, 7-28-2020)

**Cross reference(s)**—Businesses, ch. 22.

HISTORY

Amended by Ord. [23-011](#) on 6/13/2023

Amended by Ord. [24-012](#) on 6/25/2024

## Section 86-105 B-4 Shopping Center Business District

~~(a) Intent; scope. This section applies to the B-4 shopping center business district. This B-4 district is intended to provide for existing and/or proposed shopping centers.~~

~~(b) Permitted uses. The following uses shall be permitted in the B-4 business district:~~

- ~~(1) Animal pet shops.~~
- ~~(2) Antique, gift or florist shop.~~
- ~~(3) Apparel shops.~~
- ~~(4) Appliance stores.~~
- ~~(5) Art, office, school, or camera and photography supply stores.~~
- ~~(6) Audio recording sales and rental.~~
- ~~(7) Auto parts and accessories.~~
- ~~(8) Automobile and truck parking lots.~~
- ~~(9) Banks and savings institutions.~~
- ~~(10) Barbershops or beauty shops.~~
- ~~(11) Bars, cocktail lounges, nightclubs and theatres.~~
- ~~(12) Bicycle sales shops.~~
- ~~(13) Bookstores.~~
- ~~(14) Bowling alleys.~~
- ~~(15) Bus stations or taxistands.~~
- ~~(16) Business, commercial and dance schools.~~
- ~~(17) Business or professional offices.~~
- ~~(18) Businesses requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at least:
  - ~~a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~~~
- ~~(19) Butcher shops, excluding slaughtering.~~
- ~~(20) Cabinet stores.~~
- ~~(21) Candy, ice cream, soft drinks or confectionery stores.~~
- ~~(22) Carpet and flooring stores.~~
- ~~(23) Clock repair.~~
- ~~(24) Communications broadcasting station.~~
- ~~(25) Department store.~~
- ~~(26) Drive-up bank.~~

- ~~(27) Dry-cleaning stores or laundry pickup stores.~~
- ~~(28) Fallout shelter.~~
- ~~(29) Finance company offices.~~
- ~~(30) Funeral homes.~~
- ~~(31) Furniture stores.~~
- ~~(32) Garden and lawn supply stores.~~
- ~~(33) Gas stations.~~
- ~~(34) Glass sales.~~
- ~~(35) Governmental buildings.~~
- ~~(36) Grocery stores.~~
- ~~(37) Hardware, hobby, sporting goods or toy stores.~~
- ~~(38) Jewelry stores.~~
- ~~(39) Leather goods and luggage shops.~~
- ~~(40) Libraries.~~
- ~~(41) Liquor stores (for consumption off the premises).~~
- ~~(42) Loan and finance.~~
- ~~(43) Lodge rooms or clubhouses for fraternal organizations.~~
- ~~(44) Medical clinics.~~
- ~~(45) Motels.~~
- ~~(46) Motion picture theatre.~~
- ~~(47) Music studios or musical instrument stores.~~
- ~~(48) Newsstands.~~
- ~~(49) Office and photo supply (retail).~~
- ~~(50) Paint, wallpaper or interior decorating stores.~~
- ~~(51) Pet supply store.~~
- ~~(52) Pipe or tobacco shops.~~
- ~~(53) Pharmacies or drugstores.~~
- ~~(54) Photography studios.~~
- ~~(55) Physical culture or health clubs and gymnasiums.~~
- ~~(56) Plumbing and heating sales.~~
- ~~(57) Pool halls and video arcades.~~
- ~~(58) Post office stations.~~
- ~~(59) Printing.~~
- ~~(60) Restaurants, cafes, delicatessens or tea rooms.~~
- ~~(61) Retail bakeries or pastry shops.~~



~~(62) Retail medical supply stores.~~

~~(63) Sewing machine sales and service.~~

~~(64) Shoe stores.~~

~~(65) Supermarkets.~~

~~(66) Tailor shops.~~

~~(67) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.~~

~~(68) Video recording sales and rental.~~

~~(69) Water conditioning sales.~~

~~(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-4 business district:~~

~~(1) Accessory uses generally associated with the uses permitted in subsections (a) and (b) of this section.~~

~~(2) Off-street parking and loading as regulated by article VI of this chapter.~~

~~(3) Signs as regulated by article VI of this chapter.~~

~~(4) Solar energy collectors and systems.~~

~~(5) Storage garages where the lot is occupied by an institutional building.~~

~~(d) *Conditional uses.* All conditional use permits for the B-4 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be permitted in a B-4 district by conditional use permits:~~

~~(1) Automobile car washes.~~

~~(2) Automobile service stations for sale of gasoline, oil and accessories.~~

~~(3) Brewpubs.~~

~~(4) Cabinet sales.~~

~~(5) Day care facility serving any number of individuals.~~

~~(6) Drive-in restaurants and other establishments that provide goods and service to patrons in automobiles.~~

~~(7) Drive-in retail stores.~~

~~(8) Garden and lawn supply stores.~~

~~(9) Lodge rooms or clubhouses for fraternal organizations.~~

~~(10) Medical, dental and optical lab.~~

~~(11) Multiple-family dwelling, apartments, townhouses.~~

~~(12) Municipal or other government administration building, police or fire stations and museums.~~

- ~~(13) Municipal or other governmental service buildings.~~
- ~~(14) Parks and recreational areas.~~
- ~~(15) Plumbing, television or radio repair shops when operated as accessory uses to retail shops.~~
- ~~(16) Public libraries.~~
- ~~(17) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.~~
- ~~(18) Public utility structures.~~
- ~~(19) Repair and rental shops of domestic type equipment and items.~~
- ~~(20) Sports arenas.~~
- ~~(21) Trade schools.~~
- ~~(22) Utility stations and structures.~~

~~(e) Height and yard regulations. Height and yard regulations in the B-4 district are as follows:~~

~~(1) Height regulations. No building shall hereafter be erected or structurally altered to exceed 45 feet in height.~~

~~(2) Front yard regulations.~~

~~a. There shall be a front yard having a depth of 50 feet on a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.~~

~~b. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.~~

~~(3) Side yard regulations.~~

~~a. There shall be a side yard on each side of a lot, having a width of not less than 30 feet.~~

~~b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.~~

~~(4) Rear yard regulations.~~

~~a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.~~

~~b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.~~

~~(f) Lot coverage regulations. Not more than 30 percent of the lot may be occupied by buildings in the B-4 district.~~

~~(g) General regulations. Additional regulations in the B-4 shopping center business district are set forth in article VI of this chapter.~~

~~(Code 1976, § 11.15; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 612 2nd series, § 1, 8-25-2009; Ord. No. 655 2nd series, § 1, 5-22-2012)~~

~~Cross reference(s)—Businesses, ch. 22.~~

HISTORY

*Amended by Ord. [24-012](#) on 6/25/2024*

**Section 86-106 I-1 Limited Industrial District**

(a) *Intent; scope.* This section applies to the I-1 limited industrial district. This I-1 district provides a location for nonnuisance type manufacturing and/or less intensive commercial uses such as wholesale activities, with only incidental outside storage.

(b) *Permitted uses.* The following uses shall be permitted in the I-1 industrial district:

- (1) Ambulance and taxi service, bus, and rail stations or terminals.
- (2) Animal hospitals.
- (3) Auto parts and accessories sales.
- (4) Automobile garages and repair shops, with no long-term outside storage of vehicles or equipment.
- (5) Automobile parking lots and garages.
- (6) Building materials sales and storage and lumberyards.
- (7) Business or professional offices.
- (8) Camera and photographic supplies manufacture.
- (9) Cannabis related businesses as follows: lower potency hemp edible retailers, lower potency hemp edible manufactures, cannabis retailers, cannabis delivery services, cannabis wholesalers, cannabis transporters, and cannabis testing facilities, as defined by state law and licensed by the Minnesota Office of Cannabis Management; cannabis lounges and businesses allowing off-sale retail sales must be located at least:
  - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (10) Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.
- (11) Cartage and express facilities.
- (12) Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.
- (13) Commercial greenhouses, nurseries or tree farms.
- (14) Contractor's offices shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry and electrical and refrigeration supplies and other
- (15) Construction related trades when completely enclosed within a building.
- (16) Electrical and electronic products manufacture.
- (17) Electrical service shops.
- (18) Fallout shelter.
- (19) Farm equipment sales and service.
- (20) Farm, feed and seed supply stores.
- (21) Garage and storage of motor vehicles.
- (22) Governmental service buildings.
- (23) Household goods repair and service shops.

- (24) Ice plant.
- (25) Industrial truck and equipment sales and service shops.
- (26) Jewelry manufacture.
- (27) Kennels.
- (28) Leather goods.
- (29) Medical, dental and optical equipment manufacture.
- (30) Mobile home and camping trailer sales.
- (31) Musical instruments manufacture.
- (32) Railroad rights-of-way.
- (33) Rentals of industrial type equipment.
- (34) Research, experimental or testing stations.
- (35) Self-storage warehouse.
- (36) Soft drink and bottling establishments (enclosed).
- (37) Storage or warehousing, when completely enclosed within a building.
- (38) Telephone exchange.
- (39) Trade schools.
- (40) Transformer and booster stations, transmitters and other utility stations.
- (41) Trophy and award manufacturing or assembling.
- (42) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.
- (43) Wholesale business and office establishments.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-1 industry district:

- (1) All uses customarily secondary incidental to the uses permitted in subsections (a) and (b) of this section.
- (2) Off-street parking and loading as regulated by article VI of this chapter.
- ~~(3) Signs, as regulated by article VI of this chapter.~~
- ~~(4)~~(3) Solar energy collectors and systems servicing the individual property.

(d) *Conditional uses.* All conditional use permits for the I-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the I-1 industrial district by conditional use permit:

- (1) Automobile and truck sales or used car lots.
- (2) Billboards or advertising signs complying with the following conditions:-
  - a. The size may not exceed 1,000 square feet and the height shall not exceed 45 feet.
  - b. There shall be no more than two sign panels, and the sign length shall not

exceed 55 feet,

c. Such signs shall not be located closer than 200 feet to each other or to any residential district.

(3) Brewpubs and microbreweries.

(4) Cannabis related businesses as follows: cannabis cultivators (indoor only), cannabis event organizers, cannabis manufacturers, cannabis lounges, cannabis microbusinesses, cannabis mezzobusinesses, and medical cannabis combination businesses, as defined by state law and licensed by the Minnesota Office of Cannabis Management.

a. Cannabis lounges and businesses allowing off-sale retail sales must be located at least 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.

b. Cultivating and manufacturing areas in the above listed cannabis related businesses shall not exceed 5,000 SF.

c. Assembly areas in the above listed cannabis related businesses shall not exceed 1,000 SF.

(5) Day care facility serving any number of individuals.

(6) Heliport.

(7) Meat and butcher shops and cold storage lockers, with limited slaughtering.

(8) Municipal or other governmental administration buildings, police and fire stations, community centers, public libraries, museums, art galleries and post office stations.

(9) Other industrial uses of the same general character as listed in subsection (b).

(10) Overnight campgrounds.

(11) Parks and recreational areas owned or operated by governmental agencies.

(12) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.

(13) Recyclable materials processing when completely enclosed within a building.

(14) Utility stations and structures.

(e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations for the I-1 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.

b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.

c. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

- a. There shall be two side yards, one on each side of a building, each having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No rear yard shall be required in the downtown district.

(5) *Lot coverage regulations.* Not more than 50 percent of the total area of a lot shall be covered by buildings. No lot coverage restrictions apply in the downtown district.

(f) *General regulations.* Additional regulations in the I-1 limited industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.16; Ord. No. 401 2nd series, § 1, 10-19-1998; Ord. No. 410 2nd series, § 3, 2-16-1999; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 1, 3-10-2009; Ord. No. 650 2nd series, § 1, 3-27-2012; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, § 1, 7-28-2020)

**Cross reference(s)**—Businesses, ch. 22.

HISTORY

Amended by Ord. [23-027](#) on 11/28/2023

## **Section 86-107 I-2 General Industrial District**

(a) *Intent; scope.* This section applies to the I-2 general industrial district. This I-2 district provides a location for heavier industrial and manufacturing activities, without encroachment by incompatible use areas.

(b) *Permitted uses.* The following uses shall be permitted in the I-2 industrial district:

- (1) Animal hospitals.
- (2) Auto parts and accessories sales.
- (3) Automobile and truck parking lots and garages.
- (4) Bottling establishments.
- (5) Building materials sales and storage and lumberyard.
- (6) Camera and photographic supplies manufacture.
- (7) Cannabis related businesses as follows: cannabis wholesalers, lower potency hemp edible manufacturers, cannabis transporters, cannabis testing facilities, cannabis manufacturers, and cannabis cultivators (indoor only), as defined by state law and licensed by the Minnesota Office of Cannabis Management.
- (8) Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.
- (9) Cartage and express facilities.
- (10) Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.
- (11) Cleaning and dyeing.
- (12) Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration supplies.
- (13) Egg grading, sorting and wholesale business.
- (14) Electric light or power generating station.
- (15) Electrical and electronic products manufacture.
- (16) Electrical service shops.
- (17) Fallout shelters.
- (18) Farm equipment sales and service.
- (19) Farm, feed and seed supply stores.
- (20) Feed and seed processing.
- (21) Freight terminal.
- (22) Fuel and ice sales and storage.
- (23) Garages and storage, repair and servicing of motor vehicles.
- (24) Governmental service buildings.
- (25) Highway maintenance shops and yards.
- (26) Ice plant.
- (27) Industrial training schools.



- (28) Industrial truck and equipment sales and service shops.
- (29) Jewelry manufacture.
- (30) Kennels.
- (31) Landscaping including outside material storage.
- (32) Leather goods.
- (33) Manufacturing, processing, and associated storage, servicing and testing.
- (34) Medical, dental and optical equipment manufacture.
- (35) Mobile home and camping trailer sales.
- (36) Musical instruments manufacture.
- (37) Printing.
- (38) Public utility structure (industrial).
- (39) Railroad rights-of-way.
- (40) Rentals of industrial type equipment.
- (41) Research, experimental or testing stations.
- (42) Soft drink and bottling establishments (enclosed).
- (43) Storage or warehousing, when completely enclosed within a building.
- (44) Telephone exchange.
- (45) Trophy and award manufacturing or assembling.
- (46) Warehouses.
- (47) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.
- (48) Wholesale business and office establishments.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-2 industry district:

- (1) All uses customarily ~~secondary incidental~~ to the uses permitted in subsections (a) and (b) of this section.
- (2) Off-street parking and loading as regulated by article VI of this chapter.
- ~~(3) Signs, as regulated by article VI of this chapter.~~
- ~~(4)~~(3) Solar energy collectors and systems servicing the individual property.

(d) *Conditional uses.* All conditional use permits for the I-2 district may only be issued if the proposed use meets the requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the I-2 industrial district by conditional use permit:

- (1) Adult uses complying with the following regulations:
  - a. The use must be contained within a building.
  - b. No sign or exterior graphics permitted except for those written in letters of the English language.

- c. The use is not permitted within 2,000 feet of another adult use, establishment selling beer or alcoholic beverages, school, church, any residential use, library, park, daycare facility, or residential facility, as measured from property line to property line.
- d. This use must not be greater than 2,000 square feet in total building floor area and contained in one building on a lot, plot, or property.

(2) Automobile and truck sales or used car lots.

(3) Billboards or advertising signs complying with the following conditions:-

- a. The size may not exceed 1,000 square feet and the height shall not exceed 45 feet.
- b. There shall be no more than two sign panels, and the sign length shall not exceed 55 feet.
- c. Such signs shall not be located closer than 200 feet to each other or to any residential district.

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(4) Brewpubs, microbreweries, and breweries.

(5) Cannabis related businesses as follows: medical cannabis combination businesses, cannabis microbusinesses, and cannabis mezzobusinesses, as defined by state law and licensed by the Minnesota Office of Cannabis Management.

- a. Cannabis lounges and businesses allowing off-sale retail sales must be located at least 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- b. Cannabis lounges and retail area parts of the above listed cannabis related businesses shall not exceed 10 percent of the total cannabis related building use area.

(6) Cultivation, maintenance, and harvest of plants for the sale or other commercial use.

(7) Day care facility serving any number of individuals.

(8) Processing, or storage and stockpiling of sand, gravel, stone or other raw material.

(9) Greenhouses (commercial), not including outdoor growing of cannabis or hemp.

(10) Gas stations.

(11) Hazardous chemicals (processing/storage).

(12) Heliport.

(13) Junkyards, wrecking yards or auto salvage yards.

(14) Meat and butcher shops and cold storage lockers.

(15) Meat processing plants.

(16) Municipal or other governmental administration or service buildings, police and fire stations, and post office stations.

(17) Other industrial uses of the same general character as listed in subsection (b).

- (18) Outdoor nurseries and tree farms, not including cannabis cultivators.
- (19) Public service structures including power substations, gas regulator stations, sewage disposal plant, elevated tanks and water works.
- (20) Recyclable materials processing.
- (21) Restaurants.
- (22) Truck stops.

(e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations in the I-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
- c. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

- a. There shall be two side yards, one on each side of a building, each having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No rear yard shall be required in the downtown district.

(5) *Lot coverage regulations.* There are no lot coverage regulations.

(f) *General regulations.* Additional regulations in the I-2 general industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.17; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 2, 3-10-2009; Ord. No. 622 2nd series, § 1, 7-27-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 685, § 1, 1-28-2014; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, §§ 1, 2, 7-28-2020)

**Cross reference(s)**—Businesses, ch. 22.

HISTORY  
Amended by Ord. [24-008](#) on 5/14/2024

## **Section 86-166 Certification of Cannabis Business License Application with Zoning**

- a) Definitions:
  - a. Cannabis or hemp edible business means any business that requires licensure under Minnesota Statutes, Chapter 342.
  - b. OCM means the Minnesota Office of Cannabis Management.
  - c. Potential licensee means an applicant that is seeking a license to operate a cannabis or hemp edible business from the OCM.
- b) The city administrator, or their designee, is authorized to certify whether a proposed cannabis business complies with the city's zoning ordinances, this chapter, and if applicable, state fire code and building code pursuant to Minnesota Statutes, section 342.13. Potential licensees are responsible for requesting and scheduling any inspections related to building and fire code compliance. Potential licensees may contact the city to have such inspections conducted prior to the city receiving the request for certification from the OCM. If a potential licensee is not able to have any building or fire code inspection complete within the 30-day review period provided under state law, the city will not certify the application.

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, October 22, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Alley Reconstruction Methodology and Cost Split (Special Assessment Policy - III. Specific Policies, Item T-Alleys)
<b>Background Information:</b>	<p>The City of Marshall has many alleys that are not paved or have pavement in very poor condition. Aside from downtown areas, most alleys that are paved are a bituminous surface. In areas where alleys exist, they are often used for driveway access and garbage/recycling pick-up.</p> <p>City staff is often approached by property owners who desire an improvement in their alley. The current Special Assessment Policy requires costs of alley improvements to be borne entirely by benefitting property owners. The cost of covering this improvement is most often a deterrent to getting an alley project completed.</p> <p>City staff believes that there would be a benefit to the City if alleys are paved and in good condition. Gravel alleyways require more maintenance than a paved alley. Further, alleys paved with concrete have a longer lifespan with less maintenance, and concrete is much easier to install with an inversion to carry stormwater drainage to an acceptable location.</p> <p>City staff would like consideration for city cost participation with an alley improvement project, provided the alley is constructed with a concrete surface and to a minimum standard as developed and approved by the City Engineering Department.</p> <p>An excerpt of the current Special Assessment Policy (Resolution Number 4786, Second Series) is shown on the following page.</p> <p>Also attached is a plan sheet for a typical 16-foot alley with a cost estimate table comparing concrete pavement versus bituminous pavement, as well as an analysis compiled in 2023 of comparable cities regarding alley replacement.</p> <p>This item was presented to the Public Improvement/Transportation Committee at their meeting on 10/07/2024 with the unanimous approved motion to help incentive alley pavement replacement and move this item to the Legislative &amp; Ordinance Committee. The PI/T Committee did comment that perhaps a bituminous surface should be considered for participation as well, to help keep costs lower. The PI/T Committee further recommended a cost comparison between bituminous and concrete surfacing.</p>
<b>Fiscal Impact:</b>	Dependent upon a petitioned alley improvement project in a given year.
<b>Alternative/ Variations:</b>	<p>Alternative 1: Recommend an amendment to our Special Assessment Policy to allow for up to 50% cost participation in the cost of an alley resurfacing project in commercial (or downtown) district while maintaining 100% property owner cost in residential districts.</p> <p>Alternative 2: Maintain the Special Assessment Policy as it is.</p>
<b>Recommendations:</b>	Recommend an amendment to the Special Assessment Policy to allow for up to 50% City participation in the cost of an alley resurfacing project.

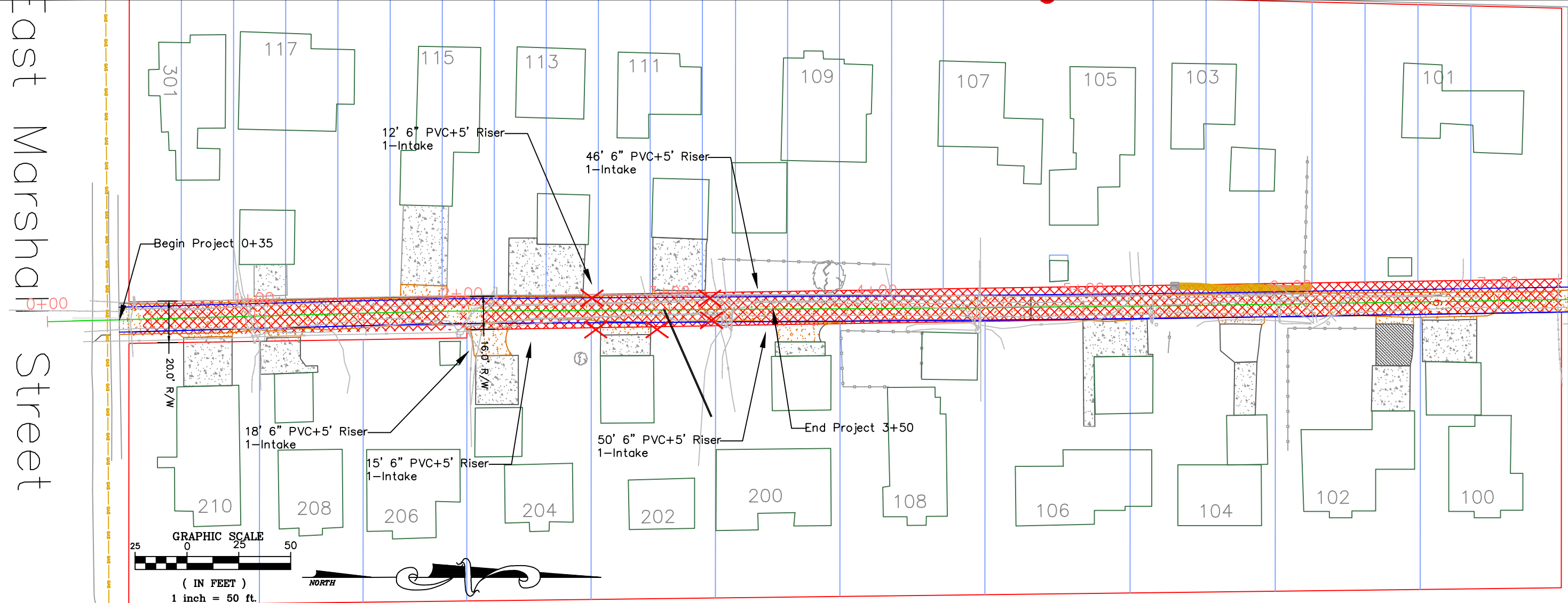
### III. SPECIFIC POLICIES

#### T. ALLEYS

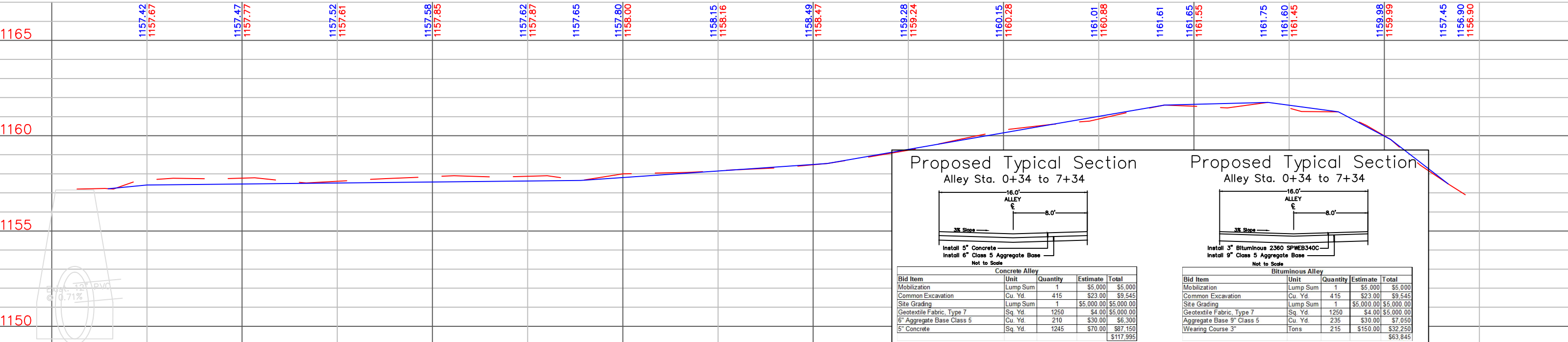
Improvements to alleys will be assessed to benefited property owners for one hundred (100) percent of the cost. Exceptions will include routine maintenance as determined by the Director of Public Works/City Engineer. Improvements to be assessed include, but may not be limited to: paving, mill and overlay, overlay, drainage improvements, and major regrading efforts. Routine maintenance include, but may not be limited to, gravel alley grading, adding small quantities of gravel for maintenance, and minor pothole patching.

East Marshall Street

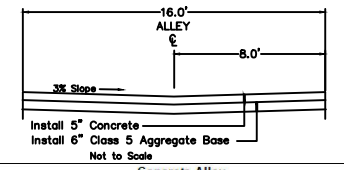
East College Drive



0+50 1+00 1+50 2+00 2+50 3+00 3+50 4+00 4+50 5+00 5+50 6+00 6+50 7+00 7+50

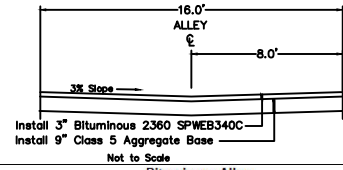


Proposed Typical Section  
Alley Sta. 0+34 to 7+34



Concrete Alley				
Bid Item	Unit	Quantity	Estimate	Total
Mobilization	Lump Sum	1	\$5,000	\$5,000
Common Excavation	Cu. Yd.	415	\$23.00	\$9,545
Site Grading	Lump Sum	1	\$5,000.00	\$5,000.00
Geotextile Fabric, Type 7	Sq. Yd.	1250	\$4.00	\$5,000.00
6" Aggregate Base Class 5	Cu. Yd.	210	\$30.00	\$6,300
5" Concrete	Sq. Yd.	1245	\$70.00	\$87,150
				\$117,995

Proposed Typical Section  
Alley Sta. 0+34 to 7+34



Bituminous Alley				
Bid Item	Unit	Quantity	Estimate	Total
Mobilization	Lump Sum	1	\$5,000	\$5,000
Common Excavation	Cu. Yd.	415	\$23.00	\$9,545
Site Grading	Lump Sum	1	\$5,000.00	\$5,000.00
Geotextile Fabric, Type 7	Sq. Yd.	1250	\$4.00	\$5,000.00
Aggregate Base 9" Class 5	Cu. Yd.	235	\$30.00	\$7,050
Wearing Course 3"	Tons	215	\$150.00	\$32,250
				\$63,845

Item 3.

**MARSHALL**  
**CITY ENGINEERS OFFICE**  
**344 WEST MAIN STREET**  
**MARSHALL, MINNESOTA**  
**56258**

Alley Bounded by Whitney & Park Ave.  
 Plan and Estimate Sheet

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DATE \_\_\_\_\_ LICENSE NO. 41557

DATE 8/20/19  
 DESIGNED BY \_\_\_\_\_  
 DRAWN BY G.J.S.  
 CHECKED BY \_\_\_\_\_

PROJECT NO. Z70-2  
 Page 39

CITY	ARE PROJECTS ADMINISTERED UPON RECEIPT OF A VALID PETITION ONLY?	ARE COSTS 100% ASSESSED, OR IS THERE CITY COST PARTICIPATION?	ARE RESIDENTIAL AND COMMERCIAL ALLEYS TREATED THE SAME?	DOES THE CITY REQUIRE A SPECIFIC PAVEMENT TYPE?	OTHER INFORMATION?
Albert Lea	To convert from a gravel alley to concrete alley the answer is yes.	Yes 100% assessed. We would likely pay for the portion at the two ends off the alley that do not touch a residential property that are in City right of way.	Yes	We require concrete pavement. However there are several asphalt alleys in town. I do not know the history on how they came to be and were allowed.	We struggle with alleys. We require a petition for the first time but once the alley is in we put it on a replacement schedule when warranted without a petition.
Alexandria					
Fairmont	The City of Fairmont currently doesn't have a policy for alley improvements. We seem to be in the same situation. We are working on updating our assessment policy and will be including alleys.				
Faribault					
Hutchinson	Yes. We typically consider residential alleys after a petition. Commercial alleys may be included in our CIP.	We typically assess 50%, assuming with a paved alley we will have lower maintenance costs.	All alleys are treated alike.	We usually install curb on one side, with bituminous alleyway. Commercial may be concrete pavement.	Be prepared to work with utilities providers to address patching for utility installations.
<b>MARSHALL</b>		Improvements to alleys are assessed to benefited property owners for 100% of the cost. Exceptions will include routine maintenance as determined by the Director of Public Works/City Engineer.			
New Ulm	New alley construction is generally petitioned for improvements, examples are existing gravel alleys that are petitioned for pavement. Existing alley segments are reconstructed as needed based on maintenance needs/condition of pavement.	Generally 100% of an alley is assessed to the adjacent property owners.	Yes, for assessments. Commercial alley is constructed with a larger pavement section.	All new alleys are bituminous. We do have a few that are currently concrete but would be reconstructed with bit.	We seal coat all alleys on a 5-7 year schedule as normal maintenance.



CITY	ARE PROJECTS ADMINISTERED UPON RECEIPT OF A VALID PETITION ONLY?	ARE COSTS 100% ASSESSED, OR IS THERE CITY COST PARTICIPATION?	ARE RESIDENTIAL AND COMMERCIAL ALLEYS TREATED THE SAME?	DOES THE CITY REQUIRE A SPECIFIC PAVEMENT TYPE?	OTHER INFORMATION?
North Mankato	The Public Work Department selects the alleys that will be improved. We do not recall receiving a petition for alley improvements.	Typically, the improvements in alleys are primarily reclaim and overlay projects but sometimes regrading and storm sewer improvements are required to provide drainage. In the past the City has not assessed property owners for street mill and overlay project, so there are typically no assessments for alley improvement projects either.	Yes	All of the alleys in North Mankato have bituminous pavement and the improvement is also bituminous.	With possibly only a few exceptions, there is no sanitary sewer and watermain in the alleys in North Mankato, so the alley improvement projects are typically a surface improvement project.
Northfield	Believe it or not, the City of Northfield does not have an alley system in town, so I am unable to assist with your information request. We also utilize Franchise Fees, and do not assess for construction projects either. Feel free to contact us with any additional questions.				
Owatonna					
St. Peter	The City of Saint Peter doesn't do anything with alleys. Alleys are private and it is up to the homeowners to coordinate and work on repairs.				
Waseca	Typically, yes. There are instances where Council authorizes something different.	Typically, yes. There are instances where Council authorizes something different.	In terms of administration and assessment, yes. In terms of construction, no. Commercial alleys are usually concrete, residential are bituminous.	Minimum 6" for concrete, typically 4-5" for bituminous.	
Willmar					
Worthington	It could be council initiated by request of public works, or petition from residents.	It is 100% assessed against abutting property owners.	There are no differences from commercial alley to residential.	No.	When street recon, the width of alley is subtracted from the frontage calculation.



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 10/22/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, October 22, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Sections 86-1 Definitions and 86-97 Low Density Residence District.
<b>Background Information:</b>	<p>In the last several months several inquiries were made about the opening of “sober homes” in town, and one is already in existence. The State of Minnesota has recently passed a law that added a definition for them and certain requirements. However, sober homes are not state licensed facilities, unlike group homes and other residential programs. In reality, this means that a “sober home” is just a rental property where several unrelated adults live. Since the City has removed a limit on the number of such unrelated adults in a rental unit, the only limit left is the maximum number of people (two) per bedroom from the current City Housing Code.</p> <p>In staff’s view, “sober homes” are, for all practical purposes, residential facilities and should be treated as such. Proposed Ordinance changes make sure that no more than six people will be living in a single-family house if it becomes a “sober home.” Residential facilities serving six or fewer individuals are required by State Statutes to be a permitted use in single family residence districts. Since there is some movement to introduce licensing for “sober homes” on the state level, this change will be in line if this happens.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-1 Definitions and 86-97 Low density residence district to consider “sober homes” as recommended by staff.

## Section 86-1 Definitions

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:

*Residential facility* means any facility, typically licensed by the State of Minnesota commissioner of public welfare, public or private, which for gain or otherwise regularly provides one or more individuals with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the individual's own home. Residential facilities include, but are not limited to: state institutions under the control of the State of Minnesota commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, sober houses, or schools for handicapped children. Nothing in this definition shall be construed to include any facility excluded by Minn. Stat. § 462.357, subd. 7.

## **Section 86-97 R-1 Low Density Residence District**

- (a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas.
- (b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:

- (1) Residential facility and sober houses, as defined in the State Statutes, serving six or fewer individuals.
- (2) Day care facility serving 14 or fewer individuals.
- (3) One-family detached dwellings.