



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

CITY OF MILACA
PLANNING COMMISSION AGENDA
AUGUST 5, 2024
6:00 P.M.
255 1ST ST E, CITY HALL COUNCIL ROOM

1. Open Regular Planning Commission Meeting Time _____

2. Call to Order Time/Roll Call

___ Brett Freeze ___ Arla Johnson ___ Greg Kuperus ___ Jake Lepper ___ Joel Millam
___ Mitch Siemers ___ Brad Tolzman

3. Approve minutes from July 8, 2024 MB _____ 2nd _____ AIF _____ O _____

4. Old Business

a. Ordinance #529 Regulating Cannabis Businesses and Cultivation:
Establish Fees MB _____ 2nd _____ AIF _____ O _____

b. Ordinance #530 Permitted Accessory Uses in B-1 Central Business
District (Tarp-Like Structures) MB _____ 2nd _____ AIF _____ O _____

c. Ordinance #531 Permitted Accessory Uses in B-2 General Business
District (Tarp-Like Structures) MB _____ 2nd _____ AIF _____ O _____

5. New Business

- a. Solar Panels Discussion
- b. Recreational Vehicle Discussion

6. Miscellaneous

7. Adjourn Time _____ MB _____ 2nd _____ AIF _____ O _____

CITY OF MILACA PLANNING COMMISSION MEETING MINUTES

July 8, 2024

6:00 P.M.

1. OPEN PLANNING COMMISSION MEETING: Brad Tolzman –Chairman 6:00 p.m.
2. MEMBERS PRESENT: Roll Call:
 - a. Brett Freese, Arla Johnson, Greg Kuperus, Jake Lepper, Mitch Siemers, Brad Tolzman
 - b. Others Present: City Manager Tammy Pfaff, Assistant City Clerk Deloris Katke, Council Liaison Norris Johnson.
3. APPROVAL OF MINUTES FROM June 3, 2024:

Chairman Tolzman called for a motion to approve the minutes from June 3, 2024.
Motion to approve minutes from June 3, 2024, made by Arla Johnson, seconded by Mitch Siemers. No further discussion. All in favor.
Motion passes.
4. PUBLIC HEARINGS: Opened at 6:01 p.m. -no residents present for public hearing
5. PUBLIC HEARINGS: Closed at 6:01 p.m.
6. NEW BUSINESS:
 - a. **Ordinance #529 Regulating Cannabis Businesses and Cultivation:** Committee members made the following recommendations on the topics discussed.
 - Allow temporary events, consistent with state guidelines.
 - 122.04(A)** Individuals and entities must first register with the State of Minnesota before they may operate a retail cannabis business in the city.
 - 122.04(B)** Prior to issuance of a cannabis retail business registration, the city shall conduct a preliminary compliance check...
 - 122.08** A state-licensed cannabis retail business shall apply to renew registration on a form established by the city. The city may charge a renewal fee for the registration starting at the second renewal...
 - 122.09** The city shall reinstate a registration if the OCM determines that the violation(s) have been resolved.
 - 122.11** The city shall limit the number of cannabis retail businesses to 10.
 - 122.12** The city shall prohibit the operation of cannabis retail business with 150 feet of another cannabis retail business.

-122.13 Zoning and Land Use

Cultivation: Industrial

Manufacture: Industrial

Low-Potency Hemp Edible Manufacturers: Industrial

Wholesale: Industrial

Retail: B-2 General Retail

Transportation: Industrial

Delivery: Industrial

-122.14 Hours of Operation

Monday -Sunday: 10 a.m. to 10 p.m.

-122.16 Temporary cannabis events will be allowed, with a \$200/ day fee, and no additional standards pertaining to alcohol consumption, hours, etc., beyond existing state statutes.

-122.17 Low potency edibles businesses are permitted in the following zoning districts:

B2 Retail

I1 Industrial

b. Ordinance #156.057 Accessory Buildings, Structures and Uses (Tarp-Like Structures):

PC Members recommended prohibiting all tarp-like structures, with the exception of those for business or retail use, during the time period April 1 to June 30, with a maximum size of 144 sq. ft.

7. MISCELLANEOUS:

City Manager Pfaff stated that a city ordinance related to solar panel projects, as well as additional discussions related to tarp like structures, and cannabis cultivation will likely be topics of upcoming Planning Commission meetings.

8. ADJOURN:

PC Chairman Tolzman called for a motion to adjourn. PC Member Siemers made the motion to adjourn. PC Member Kuperus seconded the motion. No further discussion. All In favor.

Motion passes.

Meeting adjourned at 7:11p.m.

ORDINANCE NO. 529
AN ORDINANCE ADDING TITLE XI (BUSINESS REGULATIONS) CHAPTER 122
ADULT-USE CANNABIS AND CANNABIS BUSINESS AND CULTIVATION
REGULATIONS OF THE CITY OF MILACA CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section

- 122.01 PURPOSE AND INTENT
- 122.02 DEFINITIONS
- 122.03 AUTHORITY AND JURISDICTION
- 122.04 REGISTRATION OF CANNABIS BUSINESSES
- 122.05 APPLICATION APPROVAL
- 122.06 ANNUAL COMPLIANCE CHECKS
- 122.07 LOCATION CHANGE
- 122.08 REGISTRATION RENEWAL
- 122.09 SUSPENSION OF REGISTRATION
- 122.10 CIVIL PENALTIES
- 122.11 LIMITING REGISTRATIONS
- 122.12 REQUIREMENTS FOR CANNABIS BUSINESSES
- 122.13 ZONING AND LAND USE
- 122.14 HOURS OF OPERATION
- 122.15 ADVERTISING
- 122.16 TEMPORARY CANNABIS EVENTS
- 122.17 SALE OF LOW-POTENCY HEMP EDIBLES
- 122.18 SALES OF ADULT-USE CANNABIS
- 122.19 TAXES
- 122.20 INDIVIDUALS
- 122.21 LOCAL GOVERNMENT AS A CANNABIS RETAILER
- 122.22 USE IN PUBLIC PLACES

§122.01 PURPOSE AND INTENT.

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

preventing young people from starting to use cannabis and cannabis related products. This Ordinance shall be construed to comply with the requirements of Minnesota Statute §342. The city finds and concludes that the proposed provisions are appropriate and lawful land use regulations for City of Milaca, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

§122.02 DEFINITIONS.

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

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

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

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

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

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

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

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association,

foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

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

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

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

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

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

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

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

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

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

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

MEZZOBUSINESS. Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

MICROBUSINESS. Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products and package such products for sale to customers or another licensed

cannabis business. Microbusiness may also operate a single retail location.

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

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

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

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

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

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

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

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

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

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

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

businesses.

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

WHOLESALE. Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business. Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

§122.03 AUTHORITY AND JURISDICTION.

(A) City of Milaca has the authority to adopt this ordinance pursuant to:

(1) Minn. Stat. §342.13(c) regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

(2) Minn. Stat. §342.22 regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

(3) Minn. Stat. 152.0263, Subd. 5 regarding the use of cannabis in public places.

(4) Minn. Stat. 462.357 regarding the authority of a local authority to adopt zoning ordinances.

(B) This Ordinance shall be applicable to the legal boundaries of City of Milaca. City of Milaca has delegated cannabis retail registration authority to Mille Lacs County. However, City of Milaca may adopt ordinances if Mille Lacs County has not adopted conflicting provisions.

(C) If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(D) The Milaca Police Department is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Local Governments:

(A) May not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.

(B) May adopt reasonable restrictions on the time, place, and manner of cannabis business operations.

(C) May adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.

(D) Must be considered in a local ordinance.

§122.04 REGISTRATION OF CANNABIS BUSINESSES.

(A) No individual or entity may operate a state-licensed cannabis retail business within the city without first registering with the city. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation. Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. Minn. Stat. §342.13.

(B) Prior to issuance of a cannabis retail business registration, the city **shall** conduct a preliminary compliance check to ensure compliance with local ordinances. Pursuant to Minn. Stat. §342, within 30 days of receiving a copy of a state license application from OCM, city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with state fire code and building code. The business must also be current on all property taxes and assessments for the proposed retail location.

(C) The city shall not charge an application fee. A registration fee, as established in the city’s fee schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. §342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of the renewal state license fee under Minn. Stat. §342.11, whichever is less. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

(D) The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. §342.22. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

- (1) Full name of the property owner and applicant;
- (2) Address, email address, and telephone numbers of the applicant;
- (3) The address and parcel ID for the property which the retail registration is sought;
- (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. §342.13
- (5) The applicant shall include with the form:
 - a. Registration fee as required by city
 - b. a copy of a valid state license or written notice of the OCM license approval

§122.05 APPLICATION APPROVAL.

Once an application is considered complete, the city manager or designee shall inform the applicant as such, process the registration fees and forward the application to the city council for approval or denial. The registration fee shall be non-refundable once processed. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 122.11. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved. Application may be refused based on:

(A) Applicant has been convicted of a felony or willful violation of a federal or state law or local ordinance related to the manufacture, sale, distribution, or possession for sale of distribution of an alcoholic beverage within five (5) years of application.

§122.06 ANNUAL COMPLIANCE CHECKS.

The city shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. §342.22 Subd. 4(b) and Minn Stat. §342.24 and this ordinance. The city shall conduct at minimum one unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government. Any failures under this section must be reported to the Office of Cannabis Management.

§122.07 LOCATION CHANGE.

A state-licensed cannabis retail business shall be required to submit a new application for registration if it seeks to move to a new location still within the legal boundaries of the city. If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of the city, it shall notify the city of the proposed location change and submit necessary information to meet all the criteria in this paragraph.

§122.08 REGISTRATION RENEWAL.

CITY NEEDS TO
CREATE
RENEWAL FORM

The city shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the city. A cannabis retail registration issued under this ordinance shall not be transferred. The city may charge a renewal fee for the registration starting at the second renewal, as established in the city's fee schedule. The application for renewal of a retail registration shall include, but it not limited to items in §122.04(D).

§122.09 SUSPENSION OF REGISTRATION.

The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension. The city shall also immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven (7) calendar days and perform any necessary inspections within thirty (30) calendar days. The suspension of a cannabis retail business registration may be for up to thirty (30) calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. ~~The city may reinstate a registration if it determines that the violations have been resolved, or, the city may wait for a determination from the OCM before reinstating a registration.~~ The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

§122.10 CIVIL PENALTIES.

Subject to Minn. Stat. §342.22, Subd. 5(e), the city may impose a civil penalty, as specified in the city's fee schedule for registration violations, not to exceed \$2,000.

§122.11 LIMITING REGISTRATIONS.

The county shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents with the county. If Mille Lacs County has one active cannabis retail business registration for every 12,500 residents, the city shall not be required to register additional state-licensed cannabis retail businesses. The city shall limit the number of cannabis retail businesses to 10.

DO WE WANT SO MANY FEET FROM RESIDENTIAL DISTRICT? WORTH APTS FOR EXAMPLE

§122.12 REQUIREMENTS FOR CANNABIS BUSINESSES.

The city shall prohibit the operation of a cannabis business within 1,000 feet of a school or within 500 feet of a daycare, residential treatment facility, churches, libraries, recreational centers, halfway houses or of an attraction within a public park that is regularly used by minors, including a playground or athletic field. The city shall prohibit the operation of a cannabis retail business within 150 feet of another cannabis retail business. Pursuant to Minn. Stat. §462.367, Subd. 14, nothing in this ordinance shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

how many acres needed for growing/cultivation?

§122.13 ZONING AND LAND USE.

Cannabis businesses licensed or endorsed for cultivation are permitted in the following zoning districts:

I-1 Light Industrial

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted in the following zoning districts:

I-1 Light Industrial

how many acres needed for growing/cultivation?

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted in the following zoning districts:

I-1 Light Industrial

Cannabis businesses licensed or endorsed for wholesale are permitted in the following zoning districts:

I-1 Light Industrial

Add I-1 Light Industrial? (Heggies)

Cannabis businesses licensed or endorsed for cannabis **retail** are permitted in the following zoning districts:

B-2 General Business District

Cannabis businesses licensed or endorsed for transportation are permitted in the following zoning districts:

I-1 Light Industrial

Cannabis businesses licensed or endorsed for delivery are permitted in the following zoning districts:

B-2 General Business District and I-1 Light Industrial

§122.14 HOURS OF OPERATION.

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 10 p.m. However, state statutes prohibit the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays. Minn. Stat. §342.13.

§122.15 ADVERTISING.

- (A) May not include or appeal to those under 21 years old.
- (B) Must include property warning statements.
- (C) May not include misleading claims or false statements.

(D) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by city's sign ordinances. Billboards are not allowed.

§122.16 TEMPORARY CANNABIS EVENTS.

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by the city and/or county before holding a cannabis event. Event cannot last any longer than four (4) days. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event. A registration fee, as established in the city's fee schedule, shall be charged to applicants for a Temporary Cannabis Event. The city shall require an application for Temporary Cannabis Events. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

create application

- (1) Full name of the property owner and applicant;
- (2) Address, email address, and telephone numbers of the applicant;
- (3) The address and parcel ID where event is to be held
- (4) The applicant shall include with the form:
 - a. application fee as required
 - b. a copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. §342.39 Subd. 2.

The application shall be submitted to the city, or other designee, for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed. The application for a license for a Temporary Cannabis Event shall meet the following standards:

- Event must be held on owner's business lot
- Must pay \$200 per day for Temporary Event Application Fee
- Must comply with Fire Code for Occupancy Load if event is held indoor
- Any retail sales must be by a licensed or endorsed retail business and licensed through the OCM

A request for a Temporary Cannabis Event that meets the requirements of this section shall be approved. A request for a Temporary Cannabis Event that does not meet the

requirements of this section shall be denied. The city shall notify the applicant of the standards not met and basis for denial.

§122.17 SALE OF LOW-POTENCY HEMP EDIBLES.

Add I-1 Light Industrial ?

The sale of Low-Potency Edibles is permitted, subject to the conditions within this ordinance. Low-Potency Edibles businesses are permitted in the following zoning districts:

B-2 General Business District **and I-1 Light Industrial**

The sale of Low-Potency Edibles is permitted:

- (A) In a Municipal Liquor Store.
- (B) In places that admit persons 21 years of age or older.
- (C) In places that meet requirements of this ordinance.
- (D) Shall be sold behind a counter and stored in a locked case.

(E) Sold between the hours of 10 a.m. and 10 p.m. However, state statutes prohibit the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays. Minn. Stat. §342.13.

§122.18 SALES OF ADULT-USE CANNABIS.

The flow of all products through the supply chain must be tracked by the state-authorized tracking system. All products sold to consumers and patients must be tested for contaminants. Home delivery is allowed by licensed businesses.

§122.19 TAXES.

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a ten (10)% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows:

20% to the local government cannabis aid account

80% to the state general fund

Local taxes imposed solely on sale of cannabis products are prohibited. Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

§122.20 INDIVIDUALS.

(A) Individuals may possess 2 ounces of flower in public.

(B) Individuals may possess 2 pounds in private residence.

(C) 8 grams of concentrate.

(D) 800 mg THC edibles (including lower-potency hemp).

(E) Consumption is only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption is not allowed in public.

(F) Gifting cannabis to another individual over 21 years old is allowed, subject to possession limits.

(G) Home cultivation is limited to four (4) mature and four (4) immature plants (8 total) in a single residence. Plants must be in an enclosed and locked space.

(H) Home extraction using volatile substances (e.g. butane, ethanol) is not allowed.

(I) Unlicensed sales are not allowed.

§122.21 LOCAL GOVERNMENT AS A CANNABIS RETAILER.

City of Milaca may establish, own and operate one municipal cannabis retail business subject to the restrictions in this ordinance. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under this ordinance. The city shall be subject to all same rental license requirements and procedures applicable to all other applicants.

§122.22 USE IN PUBLIC PLACES.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Adopted this _____ day of _____, 2024.

Mayor Dave Dillon

ATTEST:

City Manager Tammy Pfaff

OTHER ITEMS TO CONSIDER:

Odor

Lighting

Water Consumption

Security – should we require security cameras? If so, how long should video be saved?

Ventilation & Filtration

Solid Waste

SEE
CANNABIS
PLANNING &
ZONING
HANDOUT

EFFECTIVE DATE.

This section is effective the day following final enactment.

Sec. 61.

Minnesota Statutes 2023 Supplement, section 342.10, is amended to read:

342.10 LICENSES; TYPES.

The office shall issue the following types of license:

- (1) cannabis microbusiness;
- (2) cannabis mezzobusiness;
- (3) cannabis cultivator;
- (4) cannabis manufacturer;
- (5) cannabis retailer;
- (6) cannabis wholesaler;
- (7) cannabis transporter;
- (8) cannabis testing facility;
- (9) cannabis event organizer;
- (10) cannabis delivery service;
- (11) lower-potency hemp edible manufacturer;
- (12) lower-potency hemp edible retailer; and
- (13) medical cannabis cultivator;
- (14) medical cannabis processor;
- (15) medical cannabis retailer; or
- (16) (13) medical cannabis combination business.

EFFECTIVE DATE.

This section is effective the day following final enactment.

Sec. 62.

Minnesota Statutes 2023 Supplement, section 342.11, is amended to read:

342.11 LICENSES; FEES.

- (a) The office shall require the payment of application fees, initial licensing fees, and renewal licensing fees as provided in this section. The initial license fee shall include the fee for initial issuance of the

license and the first annual renewal. The renewal fee shall be charged at the time of the second renewal and each subsequent annual renewal thereafter. Nothing in this section prohibits a local unit of government from charging the retailer registration fee established in section [342.22](#). Application fees, initial licensing fees, and renewal licensing fees are nonrefundable.

(b) Application and licensing fees shall be as follows:

(1) for a cannabis microbusiness:

(i) an application fee of \$500;

(ii) an initial license fee of \$0; and

(iii) a renewal license fee of \$2,000;

(2) for a cannabis mezzobusiness:

(i) an application fee of \$5,000;

(ii) an initial license fee of \$5,000; and

(iii) a renewal license fee of \$10,000;

(3) for a cannabis cultivator:

(i) an application fee of \$10,000;

(ii) an initial license fee of \$20,000; and

(iii) a renewal license fee of \$30,000;

(4) for a cannabis manufacturer:

(i) an application fee of \$10,000;

(ii) an initial license fee of \$10,000; and

(iii) a renewal license fee of \$20,000;

(5) for a cannabis retailer:

(i) an application fee of \$2,500;

(ii) an initial license fee of \$2,500; and

(iii) a renewal license fee of \$5,000;

(6) for a cannabis wholesaler:

(i) an application fee of \$5,000;

(ii) an initial license fee of \$5,000; and

(iii) a renewal license fee of \$10,000;

(7) for a cannabis transporter:

- (i) an application fee of \$250;
 - (ii) an initial license fee of \$500; and
 - (iii) a renewal license fee of \$1,000;
- (8) for a cannabis testing facility:
- (i) an application fee of \$5,000;
 - (ii) an initial license fee of \$5,000; and
 - (iii) a renewal license fee of \$10,000;
- (9) for a cannabis delivery service:
- (i) an application fee of \$250;
 - (ii) an initial license fee of \$500; and
 - (iii) a renewal license fee of \$1,000;
- (10) for a cannabis event organizer:
- (i) an application fee of \$750; and
 - (ii) an initial license fee of \$750;
- (11) for a lower-potency hemp edible manufacturer:
- (i) an application fee of \$250;
 - (ii) an initial license fee of \$1,000; and
 - (iii) a renewal license fee of \$1,000;
- (12) for a lower-potency hemp edible retailer:
- (i) an application fee of \$250 per retail location;
 - (ii) an initial license fee of \$250 per retail location; and
 - (iii) a renewal license fee of \$250 per retail location; and
- (13) for a medical cannabis cultivator:
- (i) an application fee of \$250;
 - (ii) an initial license fee of \$0; and
 - (iii) a renewal license fee of \$0;
- (14) for a medical cannabis processor:
- (i) an application fee of \$250;
 - (ii) an initial license fee of \$0; and

(iii) a renewal license fee of \$0;

(15) for a medical cannabis retailer:

(i) an application fee of \$250;

(ii) an initial license fee of \$0; and

(iii) a renewal license fee of \$0; and

(16) ~~(13)~~ for a medical cannabis combination business:

(i) an application fee of \$10,000;

(ii) an initial license fee of \$20,000; and

(iii) a renewal license fee of \$70,000.

342.22 RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.

Subdivision 1.

Registration required.

Before making retail sales to customers or patients, a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer must register with the city, town, or county in which the retail establishment is located. A county may issue a registration in cases where a city or town has provided consent for the county to issue the registration for the jurisdiction.

Subd. 2.

Registration fee.

(a) A local unit of government may impose an initial retail registration fee of \$500 or up to half the amount of the applicable initial license fee under section [342.11](#), whichever is less. The local unit of government may also impose a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee under section [342.11](#), whichever is less. The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter.

(b) The local unit of government may not charge an application fee.

(c) A cannabis business with a cannabis retailer license and a medical cannabis retailer license for the same location may only be charged a single registration fee.

(d) (c) Registration fees are nonrefundable.

Subd. 3.

Issuance of registration.

(a) A local unit of government shall issue a retail registration to a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis retailer combination business operating a retail location, or lower-potency hemp edible retailer that:

(1) has a valid license or license preapproval issued by the office;

(2) has paid the registration fee or renewal fee pursuant to subdivision 2;

(3) is found to be in compliance with the requirements of this chapter at any preliminary compliance check that the local unit of government performs; and

(4) if applicable, is current on all property taxes and assessments at the location where the retail establishment is located.

(b) Before issuing a retail registration, the local unit of government may conduct a preliminary compliance check to ensure that the cannabis business or hemp business is in compliance with the any applicable operation requirements and the limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products that may be sold local ordinance established pursuant to section 342.13.

(c) A local unit of government shall renew the retail registration of a cannabis business or hemp business when the office renews the license of the cannabis business or hemp business.

(d) A retail registration issued under this section may not be transferred.

Subd. 4.

Compliance checks.

(a) A local unit of government shall conduct compliance checks of every cannabis business and hemp business with a retail registration issued by the local unit of government. The checks During a compliance check, a local unit of government shall assess a business's compliance with age verification requirements, the and compliance with any applicable operation requirements, and the applicable limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products being sold local ordinance established pursuant to section 342.13.

(b) The A local unit of government must conduct unannounced age verification compliance checks of every cannabis business and hemp business at least once each calendar year. Age verification compliance checks must involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

(c) Checks to ensure compliance with the applicable operation requirements and the limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products that may be sold must be performed at least once each calendar year and may be performed by a law enforcement officer or an employee of the local unit of government.

Subd. 5.

Registration suspension and cancellation; notice to office; penalties.

(a) If a local unit of government determines that a cannabis business or hemp business with a retail registration issued by the local unit of government is not operating in compliance with the requirements of this chapter a local ordinance authorized under section 342.13 or that the operation of the business poses an immediate threat to the health or safety of the public, the local unit of government may suspend the retail registration of the cannabis business or hemp business. The local unit of government must immediately notify the office of the suspension and shall include a description of the grounds for the suspension.

(b) The office shall review the retail registration suspension and may order reinstatement of the retail registration or take any action described in section 342.19 or 342.21.

(c) The retail registration suspension must be for up to 30 days unless the office suspends the license and operating privilege of the cannabis business or hemp business for a longer period or revokes the license.

(d) The local unit of government may reinstate the retail registration if the local unit of government determines that any violation has been cured. The local unit of government must reinstate the retail registration if the office orders reinstatement.

(e) No cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer may make any sale to a customer or patient without a valid retail registration with a local unit of government and a valid license with any applicable endorsement from the office. A local unit of government may impose a civil penalty of up to \$2,000 for each violation of this paragraph.

Type of License or Permit	Code Section	Term and Conditions	Amount of Fee	'74 Code	Ord. No.	Date Passed
Cannabis Microbusiness Registration Fee	122.04	Yearly		NA	529	
Cannabis Microbusiness Renewal Fee	122.08	Yearly		NA	529	
Cannabis Mezzobusiness Registration Fee	122.04	Yearly		NA	529	
Cannabis Mezzobusiness Renewal Fee	122.08	Yearly		NA	529	
Cannabis Cultivator Registration Fee	122.04	Yearly		NA	529	
Cannabis Cultivator Renewal Fee	122.08	Yearly		NA	529	
Cannabis Manufacturer Registration Fee	122.04	Yearly		NA	529	
Cannabis Manufacturer Renewal Fee	122.08	Yearly		NA	529	
Cannabis Retailer Registration Fee	122.04	Yearly		NA	529	
Cannabis Retailer Renewal Fee	122.08	Yearly		NA	529	
Cannabis Wholesaler Registration Fee	122.04	Yearly		NA	529	
Cannabis Wholesaler Renewal Fee	122.08	Yearly		NA	529	
Cannabis Transporter Registration Fee	122.04	Yearly		NA	529	
Cannabis Transporter Renewal Fee	122.08	Yearly		NA	529	
Cannabis Testing Facility Registration Fee	122.04	Yearly		NA	529	
Cannabis Testing Facility Renewal Fee	122.08	Yearly		NA	529	

Cannabis Event Organizer Fee	122.16	Daily/Maximum 4 days	\$200	NA	529	SEPT. 2024
Cannabis Delivery Registration Fee	122.04	Yearly		NA	529	
Cannabis Delivery Renewal Fee	122.08	Yearly		NA	529	
Lower-Potency Hemp Edible Manufacturer Registration Fee	122.04	Yearly		NA	529	
Lower-Potency Hemp Edible Manufacturer Renewal Fee	122.08	Yearly		NA	529	
Lower-Potency Hemp Edible Retailer Registration Fee	122.04	Yearly		NA	529	
Lower-Potency Hemp Edible Retailer Renewal Fee	122.08	Yearly		NA	529	
Medical Cannabis Combination Business Registration Fee	122.04	Yearly		NA	529	
Medical Cannabis Combination Business Renewal Fee	122.08	Yearly		NA	529	
Per State Statute 342.22, a local unit of government may impose an initial retail registration fee of \$500 or up to half the amount of the applicable initial license fee, whichever is less.						
The local unit of government may also impose a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee, whichever is less.						

ORDINANCE NO. 530
AN ORDINANCE AMENDING TITLE XV (LAND USAGE) CHAPTER 156 ZONING
SECTION 156.038 PERMITTED ACCESSORY USES OF THE CITY OF MILACA
CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section

____.01 Intent

____.02 Amendment

§ ____ .01 INTENT.

The City intends to amend the ordinance to allow tarp-like structures in B-1 Central Business District.

§ ____ .02 ORDINANCE AMENDING TITLE XV (LAND USAGE) CHAPTER 156 ZONING SECTION 156.038 PERMITTED ACCESSORY USES OF THE CITY OF MILACA CODE OF ORDINANCES IS HEREBY AMENDED TO READ:

(E) Permitted accessory uses.

(1) Commercial or business structures for use accessory to principal use;

(a) Tarp like structures will be allowed in the B-1 Central Business District from April 1 – June 30 for business/retail purposes only.

(b) Must be disassembled each year.

(c) Cannot be used for storage.

(d) Cannot exceed 144 square feet.

(e) Only one structure allowed.

Less than 200 sf
like our building
code?

**ORDINANCE NO. 531
AN ORDINANCE AMENDING TITLE XV (LAND USAGE) CHAPTER 156 ZONING
SECTION 156.039 PERMITTED ACCESSORY USES OF THE CITY OF MILACA
CODE OF ORDINANCES**

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section

- .01 Intent
- .02 Amendment

§ __.01 INTENT.

The City intends to amend the ordinance to allow tarp-like structures in B-2 General Business District.

§ __.02 ORDINANCE AMENDING TITLE XV (LAND USAGE) CHAPTER 156 ZONING SECTION 156.039 PERMITTED ACCESSORY USES OF THE CITY OF MILACA CODE OF ORDINANCES IS HEREBY AMENDED TO READ:

(E) Permitted accessory uses.

(1) Commercial or business structures for use accessory to principal use;

(a) Tarp like structures will be allowed in the B-2 General Business District from April 1 – June 30 for business/retail purposes only.

(b) Must be disassembled each year.

(c) Cannot be used for storage.

(d) Cannot exceed 144 square feet.

(e) Only one structure allowed.

Less than 200 sf
like our building
code?

Planning Report

Date: May 22, 2024
To: Milaca Planning Commission
From: Phil Carlson, AICP and Will Hutchings, AICP; Stantec
Request: Zoning Ordinance Text Amendment for Solar Energy Systems

INTRODUCTION

The City of Milaca Zoning Administrator is initiating a Zoning Ordinance Text Amendment to provide standards and regulations for the use of solar energy systems in the community. This amendment is at the request of the Planning Commission and is in accordance with Section 156.150 – Zoning Amendment and Conditional Use Permits of the City of Milaca Code of Ordinances.

Although solar energy systems are not specifically identified, the proposed ordinance amendment aligns with several goals and objectives of the 2007 Milaca Comprehensive Plan related to land use incompatibilities, urban design, development review processes and the protection of and efficient utilization of resources.

PEER COMMUNITY RESEARCH

We researched and compared several Minnesota communities to identify the elements of a zoning ordinance that are commonly regulated and to provide a comparison of the how each community has chosen to regulate each. A matrix detailing the findings of that research is attached to this memo. In addition, we referred to guidance provided by the American Planning Association and the Great Plains Institute for best practices and model ordinances within Minnesota.

TYPES OF SOLAR ENERGY SYSTEMS

A Solar Energy System refers to any system designed for the generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. Based on research conducted, there are two broad categories of solar energy systems.

Community Solar Energy Systems: These are typical stand-alone, commercial solar collection systems that are meant to primarily feed into the electricity grid providing energy for off-site use.



Figure 1: A photo of a Community Solar Energy System
(Source: ysgsolar.com)

Accessory Solar Energy Systems:

These serve as a primary or additional power source for residential, commercial, or industrial structures, and any excess energy can be fed back into the electric grid. Accessory solar energy systems include building-integrated, ground-mounted, and roof-mounted solar energy systems:

Building Integrated refers to those solar systems that integral part of a principal or accessory building as either a architectural or structural component of a building such as canopy, roofing materials, windows, or cladding.

Ground Mounted refer to those solar systems that are mounted on a rack or pole that rests or is attached to the ground (excluding those community solar energy systems) and are accessory to the principal use.

Roof Mounted refers to those systems that are mounted on a rack that is fastened to or ballasted on a structure roof and are accessory to the principal use,

COMMON ZONING CONSIDERATIONS

Most zoning considerations related to solar energy systems focus on use allowances, dimensional standards including setbacks and height, access to sunlight protection and impervious lot coverage, Some may detail additional requirements such as application submittal requirements, glare reduction and overall size.

Generally, best practices are to allow accessory solar energy systems as a per-right accessory use with associated use standards and reserve use of Community Solar Energy systems as stand alone uses in commercial and industrial areas.

DRAFT ORDINANCE

A copy of the draft ordinance is attached which outlines zoning district use allowances for both community scale and accessory solar energy systems, along with operational, dimensional lot coverage, utility company notification standards for each as well as Minnesota State statutes that permit the owner of the solar energy system to obtain solar access easements from adjoining properties to protect access to the solar system from any structure, building or vegetation that may cast as shadow on the solar energy system that may affects its productivity.



Figures 2 – 4:
Top: Building Integrated System (Source: imobipro.com)
Middle: Ground Mounted System (Source: unboundsolar.com)
Bottom: Roof Mounted System (Source: southern-energy.com)

ZONING AMENDMENTS

The Milaca Zoning Code in Sect. 156.150(D) gives guidance to the Planning Commission on zoning amendments:

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

(1) Relationship to the city's growth management system/Comprehensive Plan;

Although solar energy systems are not specifically identified, the proposed ordinance amendment aligns with several goals and objectives of the 2007 Milaca Comprehensive Plan related to land use incompatibilities, urban design, development review processes and the protection of and efficient utilization of resources.

(2) The geographical area involved;

The area and context have been considered when establishing the draft ordinance.

(3) Whether the use will tend to or actually depreciate the area in which it is proposed;

The solar energy system as an accessory use in all districts and as a principal, commercial and conditional use in specific zoning districts would not likely depreciate the area.

(4) The character of the surrounding area;

The proposed zoning ordinance text amendment will not have any substantial effect on the character of the community, zoning districts and adjacent properties.

and

(5) The demonstrated need for the use.

Continued interest and increase in the use of solar energy systems has necessitated the need for this zoning ordinance text amendment to provide fair and reasonable standards for such regulations in the City of Milaca.

RECOMMENDATION

We recommend approval of draft Zoning ordinance text amendment for the regulation of solar energy systems.

Findings of Fact for Approval

- 1) The proposed zoning ordinance text amendment guides the use of solar energy systems in all residential, commercial, and industrial zoning districts,
- 2) The proposed zoning amendment helps to regulate desirable land use patterns.
- 3) The City's Comprehensive Plan includes several goals and objectives that support the desire and need to provide regulations in order to reduce land use incompatibilities enhance urban design, provide for development review processes and to aid in the protection of and efficient utilization of resources.
- 4) The proposed zoning ordinance text amendment is in compliance with known with other local, state and federal laws pertaining to its use.
- 5) There has been a documented interest in solar energy systems and continued interest necessitates a demonstrated need for fair and reasonable standards for the use.
- 6) The request satisfies the factors for a zoning ordinance text amendment Section 156.150(D) of the Milaca Zoning Code.

The City would be within its authority to deny the zoning ordinance text amendment, but there would need to be Findings of Fact supporting the denial, which might include the following.

Findings of Fact for Denial

- 1) The proposed zoning ordinance text amendment guides the use of solar energy systems in all residential, commercial, and industrial zoning districts,
- 2) The proposed zoning amendment does not sufficiently help to regulate desirable land use patterns.
- 3) The City's Comprehensive Plan lacks any specific goals and objectives related to solar energy systems.

PLANNING COMMISSION MOTION TEMPLATES

The Planning Commission recommends to the City Council, which has final authority to approve or deny the rezoning request. Options for Planning Commission recommendations and motions might include the following, with Findings of Fact:

- Approval*

The Planning Commission recommends approval of the zoning ordinance text amendment for sections 156.006 Definitions; 156.035 R-1, Single Family Residential Low Density District; 156.036 R-2, One and two family residential medium density district; 156.037 R-3, Multiple family residential high density district; 156.038 B-1, Central business district; 156.039 B-2, General business district; 156.040 B-4, Business district; 156.041 HG-1, Health care and government building district; 156.042 I-1, Light industrial district and creating section 156.064 Solar energy systems of the City of Milaca Code of Ordinances relating to solar energy systems including associated definitions, zoning district allowed uses, and use requirements. with the Findings of Fact in the Planner's report of **May 22, 2024** [or as revised].
- Denial*

The Planning Commission recommends that the City Council deny the zoning ordinance text amendment for sections 156.006 Definitions; 156.035 R-1, Single Family Residential Low Density District; 156.036 R-2, One and two family residential medium density district; 156.037 R-3, Multiple family residential high density district; 156.038 B-1, Central business district; 156.039 B-2, General business district; 156.040 B-4, Business district; 156.041 HG-1, Health care and government building district; 156.042 I-1, Light industrial district and creating section 156.064 Solar energy systems of the City of Milaca Code of Ordinances relating to solar energy systems including associated definitions, zoning district allowed uses, and use requirements. with the Findings of Fact in the Planner's report of **May 22, 2024** [or as revised].

CITY OF MILACA

Zoning Ordinance Text Amendment

Amendment Number ####

First Reading _____

Second Reading _____

Section 1: Intent.

A City initiated zoning ordinance text amendment to amend sections 156.006 Definitions; 156.035 R-1, Single Family Residential Low Density District; 156.036 R-2, One and two family residential medium density district; 156.037 R-3, Multiple family residential high density district; 156.038 B-1, Central business district; 156.039 B-2, General business district; 156.040 B-4, Business district; 156.041 HG-1, Health care and government building district; 156.042 I-1, Light industrial district and creating section 156.064 Solar energy systems of the City of Milaca Code of Ordinances relating to solar energy systems including associated definitions, zoning district allowed uses, and use requirements.

Section 2: Amendment.

Sections 156.006 Definitions; 156.035 R-1, Single Family Residential Low Density District; 156.036 R-2, One and two family residential medium density district; 156.037 R-3, Multiple family residential high density district; 156.038 B-1, Central business district; 156.039 B-2, General business district; 156.040 B-4, Business district; 156.041 HG-1, Health care and government building district; 156.042 I-1, Light industrial district and creating Section 156.064 Solar energy system of the City of Milaca Code of Ordinance is hereby amended to read as follows:

CHAPTER 156: ZONING

Section

* * * * *

General Requirements

- 156.055 Lot area requirements
- 156.056 Yard requirements
- 156.057 Accessory buildings, structures, and uses
- 156.058 Home occupations
- 156.059 Residential fence regulations

- 156.060 Building size regulations
- 156.061 Height requirements
- 156.062 Development standards for residential structures
- 156.063 Farming operations
- 156.064 Solar Energy Systems, excluding community-scale solar energy systems

* * * * *

§ 156.006 DEFINITIONS.

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

* * * * *

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

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

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

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

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

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

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

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

* * * * *

(Ord. 134/94, passed 3-24-94; Am. Ord. 483, passed 6-16-21; Am. Ord #####, passed ##-##-##)

* * * * *

ZONING DISTRICTS AND MAPS

* * * * *

DISTRICT REGULATIONS; USE REQUIREMENTS AND RESTRICTIONS

* * * * *

§ 156.035 R-1, SINGLE FAMILY RESIDENTIAL LOW DENSITY DISTRICT.

* * * * *

(D) Permitted accessory uses.

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

(2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;

(3) Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and

(4) Fencing, screening, and landscaping as permitted and regulated in this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

* * * * *

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

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

* * * * *

(D) Permitted accessory uses.

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

(2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;

(3) Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and

(4) Fencing, screening, and landscaping as permitted and regulated in this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

* * * * *

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

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

* * * * *

(D) Permitted accessory uses.

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

(2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;

(3) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and

(4) Fencing, screening, and landscaping as permitted and regulated in this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

* * * * *

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

§ 156.038 B-1, CENTRAL BUSINESS DISTRICT.

* * * * *

(E) Permitted accessory uses.

- (1) Commercial or business structures for use accessory to principal use;
- (2) Off-street parking and loading spaces;
- (3) Business signs regulated by §§ 156.130 et seq.; and
- (4) Fencing and screening as permitted by this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

* * * * *

(Ord. 134/94, passed 3-24-94; Am. Ord. passed 9-15-94; Am. Ord. 375, passed 6-12-08; Am. Ord. 390, passed 6-10-10; Am. Ord. 402, passed 6-13-13; Am. Ord. 453, passed 7-18-19; Am. Ord. 511, passed 6-20-23; Am. Ord #####, passed ##-##-##)

§ 156.039 B-2, GENERAL BUSINESS DISTRICT.

* * * * *

(E) Permitted accessory uses.

- (1) Commercial or business structures for a use accessory to the principal use;
- (2) Off-street parking as required in this chapter;
- (3) Nameplate and business signs subject to §§ 156.130 et seq.; and
- (4) Fencing and screening as permitted in this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

* * * * *

(F) Uses requiring a conditional use permit.

- (1) Residence associated with the permitted use;
- (2) Multiple family dwellings;
- (3) Any permitted use requiring drive-through facilities;
- (4) Seasonal businesses;
- (5) Veterinary clinic;
- (6) Commercial recreational uses;
- (7) Gas stations, service stations;

- (8) Feed stores;
- (9) Community or convention centers;
- (10) Kennels for household pets, provided, however, all these kennels are contained within completely enclosed structures;
- (11) Other commercial uses determined by the Planning Commission or City Council to be of the same general character as the permitted uses above and found not to be detrimental to the general public health and welfare; and
- (12) Planned unit developments shall only be permitted on an area of at least one acre.
- (13) Community-scale solar energy systems

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

§ 156.040 B-4, BUSINESS DISTRICT.

* * * * *

(E) Permitted accessory uses.

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

* * * * *

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

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

* * * * *

(D) Permitted accessory uses.

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

(6) Community-scale solar energy systems

* * * * *

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

§ 156.042 I-1, LIGHT INDUSTRIAL DISTRICT.

* * * * *

(E) Permitted accessory uses.

- (1) (a) Buildings and structures for a use accessory to the principal use;

(b) Cargo boxes cannot be stacked and cannot be more than 10% of the principle building in area;

- (2) Off-street parking and loading as required in this chapter;
- (3) Nameplate and business signs subject to §§ 156.130 et seq.; and
- (4) Fencing and screening as permitted in this chapter.

(5) Solar energy systems which are building-integrated, ground-mounted, or roof-mounted.

(F) Uses requiring a conditional use permit.

- (1) Heavy manufacturing or any use involving pollution or other hazards;
- (2) Any manufacturing, processing, or assembly conducted outside of a structure;
- (3) Other manufacturing, processing, storage, or commercial uses determined by the Planning Commission or the City Council to be of the same general character as permitted uses above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matter, or glare or heat;
- (4) Adult entertainment establishments to be considered only if 1,320 feet from residential districts; ~~and~~

(5) Planned unit developments shall only be permitted on an area of at least one acre; and

(6) Community-scale solar energy systems

(Ord. 134/94, passed 3-24-94; Am. Ord. 453, passed 7-18-19; Am. Ord. 492, passed 4-21-22; Am. Ord #####, passed ##-##-##)

* * * * *

GENERAL REQUIREMENTS

* * * * *

§ 156.064 SOLAR ENERGY SYSTEMS

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

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

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

(B) General standards for all solar energy systems.

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

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

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

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

____ (4) If the solar collector system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount

and associated equipment and facilities by no later than 90 days after the end of the 12-month period.

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

(C) Accessory solar energy systems.

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

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

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

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

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

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

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

(C) Community scale solar energy systems.

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

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

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

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

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

Adopted by the City Council of the City of Milaca this ___ day of _____. 2024

Attest:

Tammy Pfaff, City Manager

Mayor Dave Dillan

	Bemidji, MN	Houston County, MN	Kellogg, MN	Mankato, MN (Lime Township)	Princeton MN	Rochester, MN
Zoning Districts	Allowed w/out permit in all	Permitted in all. Floodplain requires CUP	Permitted in all	Rooftop permitted by right / Ground mounted require Interim Use Permit	Permitted Accessory Use in all zoning districts	Residential: allowed as accessory use Commercial: most as accessory use/ some as with P&Z approval
Dimension/ Setback Standards	Match zoning	Yes – Unless by Variance	By zoning district	None	Yes	Yes + ground mount in RY only
Height Restriction	Roof: 10’ over zoning height limit/ Ground 45’	Yes – Unless exempted by Variance	By zoning district	May not extend above roof peak	Ground mounted: 15’	Roof mount < 18’’: above zone height; Ground mount < 15’
System Size Limits	None	None	None	Yes	By Kw	If using for incentives
Impervious Surface Requirements	Exempt	Yes – Unless exempted by variance	By zoning district	None	None	Yes
Sun Light Protections	None	Yes - Time of day standards	Yes – Time of day standards	None	None	None
Glare Restrictions	Yes	None	None	Yes	(Community & solar farms only)	Ground Mounted only
Connection	Utility Co. approval	None	None	Comply with electrical code. Utility Co. approval	Comply w/ electric code. Utility Co. approval / electric warning signage	Buried connections, Comply w/ building & electric code, Utility notification
Application Requirements	Owner & maintenance acknowledgement	Not specified	May submit photos of installed system			For incentive Programs
Other				Must be placed to limit visibility; Sloped roof must be flush mount; Prohibited in sensitive land areas. Additional in-depth requirements for Community Systems	Standards for Solar Farms (commercial systems)	Screening required for ground mounted system but roof mounted systems exempt

Chapter XI

SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS

1. Purpose

Rev. 06-07-17; Ord. 752

- A. The purpose of this Chapter is to maintain the City's attractiveness, protect the safety of the people, and to promote the general welfare by providing legislation by which solar facilities can be located within the City of Princeton. These general objectives include, among others, the following:
1. Set forth standards for Solar Energy Farms and Solar Energy Systems for the City of Princeton.
 2. To correct and prevent conditions that adversely affect and are likely to adversely affect the safety, general welfare, and health of nearby property owners.
 3. To preserve the value of land and structures throughout the City.

2. Definitions

The following terms, as used in this section, shall have the meanings stated.

- A. "Community Solar Garden" – means a community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar system and that is supplied to multiple community members or businesses residing or located off-site from the location of the solar energy system under the provisions of Minnesota statutes 216B.1641 or successor statute.

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- B. "Solar Collector" – means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.
- C. "Solar Energy" – means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- D. "Solar Energy System (Building-Integrated)" – means a solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.
- E. "Solar Energy System (Ground-Mounted)" – means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.
- F. "Solar Energy System (Passive)" – means a system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- G. "Solar Farm" - means a commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.
- H. "Solar Energy Farms" – means a solar array composed of multiple solar panels on ground-mounted rack or poles which are the primary land use for the parcel on which it is located and is greater than 100 kilowatts direct current (DC) rated capacity.

3. Requirements and Standards

- A. **Solar Energy Farms** - Solar Energy Farms shall be subject to the following performance standards:
 - 1. Solar Energy Farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than one hundred (100) kilowatts. Solar Energy Farms greater than one hundred (100) kilowatts in all zones and Solar Energy Systems greater than ten (10) kilowatts in all zones except for

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General Agriculture (AG) require a Conditional Use Permit. Solar Energy Farms are not allowed in shoreland or residential districts. Solar Energy Farms are allowed up to ten (10) megawatts.

2. Solar Energy Farms in agricultural, commercial, and industrial zoning districts may be up to twenty (20) feet in height at maximum design tilt.
3. Location within Lot: Solar Energy Farms must meet the primary structure setbacks for the zoning district and will be measured from the closest point at maximum orientation.
4. Storm water management shall meet the requirements of the City of Princeton and the State of Minnesota.
5. Erosion and sediment control shall meet the requirements of the City of Princeton and the State of Minnesota.
6. Foundations: The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
7. Other standards and codes: All Solar Energy Farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, and National Electric Safety Code as amended.
8. Power and communication lines: Power and communication lines running between banks of solar panels and to the point of interconnection of distribution utility or interconnections with buildings shall be buried underground as much as practical. Exemptions may be granted by the Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
9. Application requirements: The following information shall be provided to the City of Princeton's Zoning Administrator for application of a Conditional Use Permit required in MN-1, MN-2, and B-3. (This is an allowed use in A-1 and A-2)
10. A site plan of existing applicable conditions showing the following:
 - a. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries.
 - b. Existing public and private roads and any easements.

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- c. Location and size of any abandoned wells and sewage treatment systems.
 - d. Existing buildings and any impervious surface.
 - e. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Princeton Planning and Zoning Department.
 - f. Existing vegetation.
 - g. Waterways, watercourses, lakes and wetlands.
 - h. The one hundred (100) year flood elevation and Regulatory Flood Protection Elevation, if available.
 - i. Floodway, flood fringe and/or Flood Plain (FP) district boundary, if applicable.
 - j. The shoreland district boundary, if any portion of the project is located in a shoreland district.
 - k. In the shoreland district, the ordinary high water level.
 - l. In the shoreland district, the toe and top of a bluff within the project boundaries.
 - m. Surface water drainage patterns.
11. Site Plan of Proposed Conditions:
- a. Planned location and spacing of solar panels.
 - b. Planned location of access roads.
 - c. Planned location of underground or overhead electric lines connecting the Solar Energy Farm or Solar Energy System to the building, substation or other electric load.
 - d. Planned new electrical equipment other than at the existing building or substation that is the connection point for the Solar Energy Farm.
 - e. Proposed erosion and sediment control measures as required in

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elsewhere in the City of Princeton Zoning Ordinance. If required, the Planning Commission may review the associated land alteration for a Solar Energy Farm or Solar Energy System and issue a Conditional Use Permit for that land alteration as part of the request for the Solar Energy Farm or Solar Energy System Conditional Use Permit.

- f. Proposed storm water management measures.
 - g. Sketch elevation of the premises accurately depicting the proposed
 - h. Solar Energy Farm or Solar Energy System and its relationship to structures on adjacent lots (if any) unless determined otherwise by the City of Princeton Planning and Zoning Department.
- 12. Specifications and proposed installation methods for all planned major equipment including solar panels, mounting systems and foundations for poles or racks.
 - 13. The planned number of panels to be installed.
 - 14. A description of the method of connecting the array to a building or substation.
 - 15. A copy of the submitted interconnection application with the local electric utility or a written explanation outlining why an interconnection application is not necessary.
 - 16. A decommissioning plan may be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan describing the financial resources that will be available to fully decommission the site. The Commission may require the posting of a bond, letter of credit or the establishment of an escrow during some point of the life of the project to ensure proper decommissioning.
 - 17. The Conditional Use Permit for Solar Energy Farms shall expire at the same time that the Solar Energy Farm lease expires, but in no case shall exceed thirty years. A new Conditional Use Permit can be applied for and the City may issue a new Conditional Use Permit for an existing Solar Energy Farm under the terms the City of Princeton Zoning Ordinance. The Commission may waive the expiration requirement for Solar Energy Farms located on property owned by the City or the PUC and other unique

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owner operated facilities. Conditional Use Permits for Solar Energy Systems do not expire unless the Solar Energy System is removed.

18. The Commission may require a buffer between Solar Energy Farms or Solar Energy Systems and adjoining properties.
19. The Commission may require a greater setback between adjoining properties if conditions warrant.
20. **Payment In Lieu of Taxes.** Notwithstanding that Minnesota Statutes Section 272.02, Subdivision 24 (or its successor) classifies real property upon which a solar energy generating system is located that is used primarily for solar energy production (subject to the production tax under Minnesota Statutes Section 272.0295) as class 3a, the City may require the applicant to enter into a Payment In Lieu of Taxes Agreement to compensate the City for any prospective tax revenue that may be lost due to such reclassification.

B. Solar Energy Systems - Solar Energy Systems ten (10) kilowatts and under are a permitted accessory use in all zoning districts. Solar Energy Systems over ten (10) kilowatts and not exceeding hundred (100) kilowatts require a Conditional Use Permit.

Solar Energy Systems one hundred (100) kilowatts and under are a permitted accessory use in the General Agricultural (AG) zoning district.

1. **Accessory Building Limit:** Solar Energy Systems, either roof or ground-mounted, do not count as an accessory building for the purpose of limits on accessory buildings.
2. **Height:** Solar Energy Systems are subject to the following height requirements:
 - a. Building or roof-mounted Solar Energy Systems shall not exceed the maximum allowed height in any zoning district.
 - b. Ground or pole-mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt in residential zones and may be allowed up to twenty (20) feet in other zones.
3. **Location within Lot:** Solar Energy Systems must meet the accessory structure setback for the zoning district and will be measured from the closest point at maximum orientation. If attached to the primary structure the Solar Energy Systems must meet the setbacks for the primary structure.

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4. **Approved Solar Components:** Electric Solar Energy System components must have an Underwriters Laboratory (UL) listing.
 5. **Compliance with State Electric Code:** All Solar Energy Systems shall comply with the Minnesota State Electric Code.
 6. **Utility Notification:** No Solar Energy System shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- C. Passive Solar Energy Systems** - Passive solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.
- D. Ground Mounted/Building Integrated Solar Energy Systems** - Ground-mounted solar energy systems shall not exceed fifteen feet (15') in height. Building-integrated solar energy systems shall not exceed the maximum height permitted in the zoning district.
- E. Solar Panel Glare** - All solar farm and community solar garden facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.
- F. Safety Measures** - A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of Princeton's Code.

CITY OF ST. CLOUD

16.12 PARKING AND STORAGE OF RECREATIONAL VEHICLES AND OVERSIZED VEHICLES

A. Storage in all Zoning Districts

The following provisions apply to the storage and parking of recreational vehicles in all zoning districts:

1. Recreational vehicles and equipment shall not be used for living, sleeping or housekeeping while parked or stored. Recreational vehicles shall not be used for commercial storage or other non-residential purposes.
2. Except on properties which are valid motor vehicle dealers, recreational vehicles shall have a current license and registration.
3. Recreational vehicles shall be in operable condition. No recreational vehicle shall be parked or stored in a location other than a building unless it is in a condition for the safe and effective performance of its intended function. No recreational vehicle which is in a state of visible external disrepair shall be parked or stored outside of a building.

B. Storage in Residential Zoning Districts

The following provisions, in addition to those cited by Article 16.12A, will apply to the storage of recreational vehicles in residential districts.

1. Number

The maximum number of recreational vehicles permitted to be parked or stored outside of a building in a residential district will be two (2). No more than one (1) recreational vehicle may be parked or stored in the front yard. No more than one Class A motorhome may be parked or stored on a residentially zoned property. Class A motorhomes typically resemble a bus, are entirely constructed on a specially designed motorhome chassis, and often include multiple slide-out sections, living space, kitchens, bathrooms, and entertainment centers.

Article Last Amended: June 4, 2018

City of St. Cloud, Minnesota Article 16:

Land Development Code Article 16 - Page 11 Off-Street Parking and Loading

2. Size

- a. No recreational vehicles greater than 45 feet in length shall be permitted on any residential lot in the city.
- b. The total lot coverage of all recreational vehicles stored outside may not exceed 10% of the lot area.

3. Location

Recreational vehicles may be parked or stored on a parcel which contains a permitted principal use in a residential zoning district, subject to the following regulations:

a. Surfaces

All recreational vehicles shall be parked or stored on the following surfaces:

- i. Recreational vehicles must be stored upon an improved surface within the front yard.
- ii. Recreational vehicles stored in the side or rear yard may be on a landscaped surface, including a maintained gravel surface.

b. Location

All recreational vehicles shall be parked or stored in accordance with the following:

- i. Recreational vehicles may be parked or stored in the front yard, interior side yard, street side yard, and rear yard provided that a five (5) foot setback is maintained.
- ii. Recreational vehicles may not be parked or stored within twenty feet (20') of any street right-of-way corner where it will interfere with traffic or pedestrian visibility across the driveway, alley or street.

4. General Regulations

a. Ownership and Guest Parking

All recreational vehicles parked or stored shall be owned or leased by an occupant of the premises where parked or stored. Guests of the occupant of the premises may park on a driveway on the premises for a period not exceeding seven (7) days in any 30 consecutive day period. No nuisances, including noise, light and odor created by such guest parking are permitted.

b. Repairs

No major mechanical overhaul or repair shall be performed on recreational vehicles unless conducted within a completely enclosed building.

Article Last Amended: June 4, 2018

City of St. Cloud, Minnesota Article 16:

Land Development Code Article 16 - Page 12 Off-Street Parking and Loading

C. Prohibited Vehicles in Residential Districts

The following vehicles and/or equipment shall not be permitted to be stored or parked in any residentially zoned property:

1. Licensed vehicles with a license decal greater than "D" or in excess of 6,000 pounds as described in Minnesota State Statute 188.013. Examples are cargo (step) vans, buses, boom trucks, dump trucks, tank trucks, construction equipment, truck-tractor semi-trailer combinations, and any other such similar equipment/vehicles.
2. Unlicensed commercial vehicles or equipment such as race cars, farm implement backhoes, bobcats, drilling and/or landscaping equipment, and any other such similar equipment/vehicles.

D. Oversized Vehicles Allowed in Residential Districts

The following vehicles and/or equipment may be parked on a residentially zoned property in accordance with the following:

1. Any licensed vehicle with a license decal greater than "D" or in excess of 6,000 pounds as described in Minnesota State Statute 188.013 being used in conjunction with a legitimate service being provided to the residential property.
2. Any number of oversized vehicles/equipment are allowed if parked or stored in a completely enclosed building subject and related to a home occupation as defined by this ordinance.

CITY OF FOLEY

Section 1030:10. Recreational Vehicle Storage.

Subdivision 1. At no time shall any Vehicle be used for primary living or housekeeping purpose.

- a. Exceptions may be granted for travelers or out of town guests visiting with prior notification to the City Administrator for a period not to exceed seven (7) days.

Subdivision 2. Recreational vehicles shall be mobile and shall not be permanently affixed in the ground in a manner that would prevent removal.

Subdivision 3. Unmounted slide-in pickup campers shall be stored no higher than twenty (20) inches above the ground and shall be securely supported at all four (4) corners by solid support blocks or support mechanisms.

Subdivision 4. Except for routine maintenance or during emergency conditions when power supply is disrupted, the operation of a recreation vehicle generator plant shall not be permitted in residential districts. For the purpose of this subdivision, routine maintenance periods shall not exceed sixty (60) minutes per month.

Section 1030:12. Storage On Residential Lots.

Subdivision 1. No Motor or Commercial Vehicle, RV, Equipment, or Trailer shall be routinely parked on an unsurfaced area, such as dirt or vegetation, in the front yard (or within the front yard setbacks) of residential lots.

Subdivision 2. Storage of Vehicles shall be limited to a garage or other permitted accessory structure, or designated driveway areas in the front yard of residential properties.

- a. The unenclosed parking and/or storage of Vehicles shall be limited to a total number of six (6) units parked upon the hard surfaced driveway or a Parking

Surface as defined above, within the front of a residential lot.

- b. Notwithstanding the provisions of this section, Vehicles may be parked temporarily on an unsurfaced area of the front yard of a residential lot overnight as is necessary to comply with winter parking regulations from November 1 to April 1 OR for a period not to exceed 24 hours, to load, unload, clean or repair the Vehicle year-round. At no time shall a vehicle be parked on public right-of-way as regulated by Section 1030:06.
- c. This subdivision shall not be construed to allow parking or storage of nuisance, junked or abandoned vehicles or units otherwise prohibited by any other ordinance or subdivision.

Subdivision 3. All Vehicles in the side yard shall be parked or stored on a Parking Surface as defined by this Ordinance or may be parked on unsurfaced areas in lieu of a Parking Surface, provided the area under and around the Vehicle or Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

Subdivision 4. Vehicles or Trailers parked within a back yard shall comply with rear and side yard setback requirements applicable to accessory structures and shall be parked or stored on a Parking Surface as defined by this Ordinance or may be parked on a unsurfaced area in lieu of a Parking Surface, provided the area under and around the Vehicle or Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

Subdivision 5. Vehicles stored on a property shall be subject to the height provisions of “Accessory Buildings” of the City of Foley Zoning Ordinance 319.

Section 1030:14. Exceptions.

Subdivision 1. The above provisions shall not apply to those Vehicles temporarily parked by the driver thereof, for the purpose of being loaded or unloaded while making actual deliveries of goods and merchandise; OR while engaged in construction, general repair, moving or other type

of commercial work; OR parked for temporary maintenance or emergency repairs not to exceed 24 hours providing that such parking does not impair the regular flow of traffic or cause an undue safety concern.

Subdivision 2. The provisions of this Ordinance shall not apply to street construction, maintenance, and repair equipment trailers or vehicles used by the public service utility companies engaged in repairing or extending public service utilities.

Section 1030:16. Variance. Minor modifications or adjustments to this Ordinance may be administratively approved by the City Administrator by means of a Motor Vehicle Parking Variance where conditions such as, but not limited to, lot size, lot construction or improvements warrant a minor modification or adjustment. If the City Administrator cannot make such a determination, the matter may be appealed to the City's Planning Commission with the appropriate application for variance process and appeal fee filed. In no instance shall a modification or adjustment be made to the provisions of this Ordinance if it violates a safety concern/regulation of this or any other City Ordinance.

Section 1030:18. Enforcement and Penalty.

Subdivision 1. Notice of Violation. When a property owner permits or allows the parking and/or storage of a Vehicle to exist in violation of this Ordinance, the City Administrator, or Law Enforcement Officer, may serve notice upon said owner ordering the owner to remove the vehicle within five (5) days of the date of the notice. The notice shall state that in case of noncompliance the City shall have the vehicle removed from the premises at the expense of the owner and that if unpaid, the charge for such towing will be made a special assessment against the property concerned. The notice shall also inform the property owner that the order may be appealed by filing a written notice of appeal with the City Administrator within the five (5) days of the date of notice.

Subdivision 2. Appeal. If an owner who received notice to remove a vehicle provided for by this

Ordinance believes that the order has been wrongly issued, said owner may appeal the order by filing with the City Administrator a written notice of appeal within five (5) days of the date of the notice. Upon receipt of notice of an appeal the City Administrator shall place the matter on the next regular Council Agenda, when the matter will be heard by the City Council. The owner may present testimony and information to the Council, as may the City Administrator, City staff, and other concerned citizens. After due consideration, the City Council shall decide whether the order will stand. In the event the Council determines that the order is appropriate, the owner shall have three (3) days from the date of the Council's decision to comply with the order.

Subdivision 3. Failure to Comply. If an owner who has received an order under this Ordinance fails to comply within the applicable time frame, the City may remove the vehicle in violation of this ordinance from the premises. The City Administrator shall keep a record showing the cost of such.

Subdivision 4. Owner Responsible for Payment. In the event the City is required to take action to bring any property in compliance with this Ordinance, the owner of the property shall be responsible to pay all such costs and expenses incurred by the City (including costs and expenses associated with City Staff time). Upon determining such costs and expenses of the City, the owner of the property will be sent an invoice by regular mail (sent to the address shown on the property tax statement for the property). In the event the invoice is not paid in full within thirty (30) days of the date of mailing, the City Clerk may certify said expenses to the City Council for assessment against the property. Thereupon, said costs and expenses shall become a levied special assessment against the property to be paid in the following year together with the property taxes.

Section 1030:20. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause,

or phrase of this Ordinance.

Section 1030:22. Adherence To Any Other Ordinance. The parking and/or storage of any Vehicle within the City of Foley shall comply with all applicable requirements and/or provisions of this or any other existing City Ordinance including but not limited to the ordinances regulating noise, public nuisance, zoning, traffic and winter parking.

Section 1030:24. Effective Date. This Ordinance shall be effective upon its passage and publication.