

2L. Consideration of adopting Ordinance 863 amending the Monticello City Code, Title XV: Land Usage, Chapter 153: Zoning Ordinance, Section 153.012 - Definitions, 153.090 - Use Table, 153.070 - Building Materials, 153.064 - Signs, 153.091 - Use-Specific Standards, and 153.043 - Residential Base Zoning Districts. Applicant: City of Monticello

Prepared by: Community Development Director	Meeting Date: 1/12/2026	<input checked="" type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Regular Agenda Item
Reviewed by: Consulting City Planner, Chief Building & Zoning Official, Community & Economic Development Coordinator	Approved by: City Administrator	

ACTION REQUESTED

Motion to adopt Ordinance 863 approving an amendment to the Monticello City Code, Title XV: Land Usage, Chapter 153: Zoning Ordinance, Section 153.012 - Definitions, 153.090 - Use Table, 153.070 - Building Materials, 153.064 - Signs, 153.091 - Use-Specific Standards, and 153.043 - Residential Base Zoning Districts, based on findings in Resolution No. PC-2026-04.

Planning Commission unanimously recommends approval of the proposed amendment.

REFERENCE AND BACKGROUND

Property: City of Monticello

Planning Case Number: 2026-03

Request(s): Amendments to clarify or address changing conditions affecting the Zoning Ordinance and support the goals and objectives of the 2040 Plan

Deadline for Decision: N/A

Land Use Designation: N/A

Zoning Designation: N/A

Overlays/Environmental Regulations Applicable: N/A

Current Site Uses: N/A

Surrounding Land Uses: N/A

Project Description: City staff are requesting consideration of various ordinance amendments intended to clarify language within the ordinance to support consistent application of the code and reduce errors in interpretation.

ANALYSIS:

As City staff apply the Monticello Zoning Ordinance to changes in land use, land use applications, and public inquiries, areas requiring clarification are identified and tracked for potential amendment. Over the past three months, staff have compiled proposed amendments to various sections of the ordinance and prepared ad draft ordinance for consideration.

The following is a summary of the proposed amendments and a brief rationale for amendment.

Definitions - § 153.012

- Add a definition for *Bar*. No definition currently exists. The definition is recommended as a reference point for current ordinances regulating use and permitting.
- Amend the definition for *General Warehousing* to further clarify the specific intent of the types of warehousing uses allowable under this definition, which does not include digital storage as is typical of a data center use.
- Amend the definition of *Sign*. Staff worked with the City attorney to clarify the current definition for allowances for public art distinct from other commercial messaging. As currently written, the definition presents several issues. The revised language was upheld in court cases regarding what constitutes “art” versus “sign.” No amendment to § 153.064 Signs is required to implement this amendment.

Residential Base Zoning Districts - § 153.043

- Amend the ordinance for a minor correction to accessory use text, which incorrectly references the R-1, rather than R-2 District.

Building Materials - § 153.070

- Amend the ordinance to clarify that non-conforming building conditions on existing principal use residential structures - such as roof pitch or lack of brick or stone on facades - may be continued for residential structure building alterations or expansions.

Use Table - § 153.090

- Amend the ordinance to correct table shading. The amendment does not propose to change any existing allowances or prohibition of uses, but rather correct shading within the table to accurately reflect allowable or prohibited uses.

Use Specific Standards - § 153.091

- Amend the ordinance to restrict cannabis-related businesses when abutting a residential zoning district. The amendment is similar to current language within the industrial use standard section, which limits cannabis-related uses in industrial districts when adjacent to residential districts. This amendment does not propose restrictions on cannabis-related uses when abutting mixed-used or PUD districts.
- I. **Budget Impact:** Limited to publication and notice costs, covered by the Planning & Zoning budget.
 - II. **Staff Workload Impact:** City staff prepared the report and ordinance, estimated at 8 hours of preparation.
 - III. **Comprehensive Plan Impact:** The proposed ordinance amendments are intended to support the goals and policies identified in the Monticello 2040 Plan. The 2040 Plan’s Implementation Chapter notes that amendments may address various fundamentals, including definitions and design standards, to achieve the Plan’s specific objectives.

PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission reviewed this item and held a public hearing on the proposed amendments on January 6, 2025. No members of the public were present to address the Commission on the item.

During the meeting, the Commission inquired whether the restriction of cannabis-related business abutting residential districts had been omitted from the original cannabis ordinance and asked about the impact on available parcels. Staff explained that, following discussions with the City Attorney, the proposed language was prepared based on similar existing code language for cannabis-related uses in the industrial districts and is intended to offer additional transition between cannabis businesses and residential districts. Staff further noted that a significant number of parcels within the B-3 and B-4 districts would remain available for commercial cannabis-related uses.

A clarification on the term “minor modifications” in the proposed change to the Building Materials section was also requested, with staff indicating that the language provides flexibility for interpretation in renovation or expansion of existing residences.

The Planning Commission recommended approval of the ordinance amendments unanimously.

STAFF RECOMMENDED ACTION

Staff recommend approval of the proposed amendments. The ordinance revisions are intended to provide additional clarity that were needed or to correct errors in the ordinance, and to address changing trends in development and land use.

SUPPORTING DATA

- A. Resolution PC-2026-04
- B. Draft, Ordinance 863
- C. Monticello Zoning Ordinance, Excerpts

**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. PC-2026-04**

**RECOMMENDING AMENDMENTS TO MONTICELLO CITY CODE, TITLE XV: LAND USAGE,
CHAPTER 153: ZONING ORDINANCE RELATED TO MISCELLANEOUS SECTIONS**

WHEREAS, the Zoning Ordinance serves as the primary implementation tool of the City's Comprehensive Plan goals and objectives; and

WHEREAS, various portions of the Zoning Ordinance have been identified as benefitting from amendment to increase clarity and usefulness; and

WHEREAS, the Planning Commission held a public hearing on January 6, 2026 on the application and members of the public were provided the opportunity to present information to the Planning Commission; and

WHEREAS, the Planning Commission has considered all of the comments and the staff report, which are incorporated by reference into the resolution; and

WHEREAS, the Planning Commission has identified ordinance amendments to clarify various chapters and sections with changes to the following:

- § 153.012 Definitions
- § 153.043 Residential Base Zoning Districts
- § 153.070 Building Materials
- § 153.090 Use Table
- § 153.091 Use Specific Standards

WHEREAS, the Planning Commission of the City of Monticello makes the following Findings of Fact in relation to the recommendation of approval:

1. The proposed amendments address needs arising from a changing condition, trend, or fact, or correct specific language within the ordinance.
2. The proposed amendments improve the ability of the Planning Commission and City Council to direct land use and land use policy in the City.
3. The proposed amendments are consistent with the language and intent of the Monticello 2040 Vision + Plan (Comprehensive Plan).

CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. PC-2026-04

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Monticello, Minnesota, that the Commission recommends that the City Council adopts the proposed amendments as presented and approved.

ADOPTED this 6th day of January, 2026 by the Planning Commission of the City of Monticello, Minnesota.

MONTICELLO PLANNING COMMISSION

By: 
Andrew Tapper, Chair

ATTEST:


Angela Schumann, Community Development Director

ORDINANCE 863

CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA

AN ORDINANCE AMENDING TITLE XV OF THE MONTICELLO CITY CODE,
CHAPTER 153: ZONING, VARIOUS SECTIONS

THE CITY COUNCIL OF THE CITY OF MONTICELLO HEREBY ORDAINS:

Section 1. Section §153.012 DEFINITIONS, is hereby amended as follows:

BAR. *Establishment accessible to the public holding a valid on-sale alcohol license where alcoholic beverages are sold or permitted to be displayed and consumed on the premises. Such establishment may serve both food and alcoholic beverages, but the principal business is the sale of such alcoholic beverages at retail for consumption on the premises.*

GENERAL WAREHOUSING. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse, **except that such uses shall not include buildings or structures used primarily for the storage, management, processing, and transmission of digital data.**

SIGN. Any letter, word or symbol ~~copy, advertising symbols, lettering, trademarks,~~ poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes. **The area containing copy, advertising symbols, lettering, trademarks, or other references to the premises, products, or services, is considered sign area and shall comply with these regulations. Painted graphics on a wall or fence that are murals or mosaics, or any type of statuary or graphic art that does not contain copy, advertising symbols, lettering, trademarks, or other references to the premises, products, or services that are provided on the premises where the graphics are located or any other premises, are not signs for the purposes of these regulations.**

Section 2. §153.043 RESIDENTIAL BASE ZONING DISTRICTS, Table 3-6 is hereby amended as follows:

- An attached garage shall be included with all principal residential structures in the ~~R-1~~ R-2 district.

Section 3. §153.070 BUILDING MATERIALS, is hereby amended as follows:

(B) General requirements

ORDINANCE 863

(1) Consistency required. In all districts, all buildings shall be finished on all sides with consistent architectural quality, materials, and design. **For expansions to, or minor alterations of, existing principal use residential buildings, the roof pitch and building materials of the expansion or alteration shall be consistent with the existing principal structure.**

Section 4. §153.090 USE TABLE, is hereby amended to correct the following:

Place of public assembly: Shade to prohibit in M-H, B-1 and B-4 Districts
Funeral services: Shade to prohibit in B-3 District
Specialty eating establishments: Remove shading for conditional use in B-1 District
Auto repair – major: Shade to prohibit in IBC
Bulk fuel sales and storage – Shade to prohibit in IBC and I-1 Districts

Section 5. §153.091 USE SPECIFIC STANDARDS, is hereby amended as follows:

(E) Regulations for commercial uses.

(33) Cannabis retail business.

(d) No cannabis-related business shall permit consumption of any product on-site, except by conditional use permit, subject to the following conditions:

1. The facility shall only be located in the B-3 or B-4 zoning district **and no parcel may be used for cannabis-related business if such parcel abuts a residential zoning district.**
2. If the facility is a part of a multi-tenant building, the facility shall ensure that no odors from smoke or other on-site activities can be detectable outside of the facility.
3. Consumption may be allowed only indoors, located in a specified area physically separated from other retail floor space.

Section 6. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title XV, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

Section 7. This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall for examination upon request.

ORDINANCE 863

ADOPTED BY the Monticello City Council this 12th day of January, 2026.

Lloyd Hilgart, Mayor

ATTEST:

Jennifer Schreiber, City Clerk

AYES:

NAYS:

DRAFT

§ 153.012 DEFINITIONS.

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

ACCESSORY. A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

ACCESSORY BUILDING - MAJOR. A building which is accessory to a principal structure and is required to be constructed with a building permit per Minn. Rule 1300.0120.

ACCESSORY BUILDING - MINOR. A building which is accessory to a principal structure and exempt from a building permit per Minn. Rule 1300.0120.

ADULT USES. Adult uses include adult bookstores, adult motion picture theatres, adult mini-motion picture theatres, adult massage parlors, adult steamroom/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes, are not included.

SPECIFIED ANATOMICAL AREAS.

(a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

(a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.

(b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.

(c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.

(d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.

(e) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes; and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons.

(f) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being.

(g) Human excretion, urination, menstruation, vaginal, or anal irrigation.

ADULT USE/ACCESSORY. The offering of goods and/or services which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

ADULT USE/PRINCIPAL. The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

ADULT USE BODY PAINTING STUDIO. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

ADULT USE BOOKSTORE. A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT USE CABARET. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas."

ADULT USE COMPANIONSHIP ESTABLISHMENT. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual

activities" or "specified anatomical areas."

ADULT USE CONVERSATION/RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE HEALTH/SPORT CLUB. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE HOTEL/MOTEL. Adult hotel/motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

ADULT USE MASSAGE PARLOR/HEALTH CLUB. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE MINI-MOTION PICTURE THEATRE. A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT USE MODELING STUDIO. An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT USE MOTION PICTURE ARCADE. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT USE MOTION PICTURE THEATRE. A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT USE NOVELTY BUSINESS. A business which has, as a principal activity, the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT STEAM ROOM/BATHHOUSE FACILITY. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

AGRICULTURAL BUILDING. A structure on agricultural zoned land designed, constructed, and used to house farm implements or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

AGRICULTURAL SALES. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and home-made handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

AGRICULTURE. Those commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

ALLEY. A public right-of-way less than 30 feet in width which affords secondary access to abutting property.

ANIMAL KENNEL/BOARDING (COMMERCIAL). A facility or service where dogs, cats and/or other small household pets as permitted by city code are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a

person other than the owner of the animals for a fee. Animal boarding may include incidental grooming, dog walkers or training services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

ANTENNA, COMMERCIAL TRANSMISSION AND RECEPTION. Shall mean commercial and industrial communications equipment accessory to business operations of one meter in width or greater, but not personal wireless telecommunications service equipment.

ANTENNA, PRIVATE AMATEUR RADIO. Shall mean equipment, including antennae, antennae support structures, and other related material, necessary to conduct Ham and Short Wave Radio reception and transmissions, only for use by those persons properly licensed by the Federal Communications Commission for such reception and transmissions, and who are in full compliance with all licensing requirements.

ANTENNA, PRIVATE RECEIVING. Television and other electronic reception antennae for private use.

ANTENNA, TELECOMMUNICATION. A device used for the transmission and/or reception of wireless communications, usually arranged on an antenna support structure or building, and consisting of a wire, a set of wires, or electromagnetically reflective or conductive rods, elements, arrays, or surfaces, inclusive of the following: private amateur radio antenna(s), private receiving antenna(s), commercial transmission and reception antenna(s), and wireless telecommunications service antenna(s).

ANTENNA, WIRELESS TELECOMMUNICATIONS SERVICE. Shall mean any equipment necessary to provide or support all types of wireless electronic communications, including, but not necessarily limited to, wireless "cellular" telephone, radio, and internet transmission and reception communications between mobile communications providers and users, including public safety communications.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, or other structure which supports an antenna. Such structure may be freestanding or attached to a building or other device that conforms to this chapter.

APARTMENT. A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single-family or an individual and is equipped with cooking facilities. Includes dwelling unit and efficiency unit. An apartment is offered only as a rented or leased residence, as distinguished from condominiums and townhouses, which allow for separate ownership.

APPURTENANCES. The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, fire escapes, open decks, stoops, steps, bay windows, roof overhangs, awnings, solar energy systems and similar features.

ARTIFICIAL OBSTRUCTION. Means any obstruction which is not a natural obstruction (see Obstruction).

AS-BUILT PLANS. Record drawings of as-constructed improvements.

ASSISTED LIVING FACILITY. A multiple-family structure that includes a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of people who need help with activities of daily living, but where the emphasis of the facility remains residential. Residents of assisted living facilities do not require hospitalization or skilled or intermediate nursing care associated with nursing home facilities, but do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration.

ATTENTION GETTING DEVICE. Any device whose primary purpose is to attract public attention to a use of land (but which is not a building or the use of land itself), whether two or three dimensional, and whether through graphics, light, movement, shapes or other method. Such device may be either permanent or temporary, and would be regulated as a sign under the appropriate sections of this chapter.

AUCTION HOUSE. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

AUTOMATED TELLER MACHINE (ATM). A facility to provide banking and other electronic services that is operated by the customer.

AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint job; vehicle steam cleaning. This business performs structural and cosmetic repairs to autos, light trucks, and equipment of 9,000 pounds GVW and less. Allowed: Body repair and painting, frame and/or unibody straightening and repair, glass replacement, sandblasting and/or steam cleaning, undercoating or rust proofing, upholstery work, washing, cleaning, and polishing.

AUTOMOBILE REPAIR - MINOR. A business that performs mechanical and electrical repairs to autos, light trucks, and equipment 9,000 pounds GVW and less. Allowed activities include minor repairs, incidental body and fender work, minor painting and upholstering, tune ups and adjustments, replacement of parts (excluding body and frame), rebuilding of parts or components when installation is available, wheel alignment and balancing, tire repair, radiator repair, washing, cleaning, and polishing, but specifically excluding any operation specified or implied under the definition of "Automobile Repair - Major."

AUTOMOTIVE WASH FACILITY. An area or structure equipped with automatic or self-service facilities for primarily washing automobiles.

BANNERS AND PENNANTS. Attention-getting devices which resemble flags and are of a paper, cloth, or plastic-like consistency.

BASEMENT. Means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BED AND BREAKFAST. A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

BERM. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including, but not limited to, avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, or prohibitions or other management practices published by state or designated areawide planning agencies.

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

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

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOARDER. A person who regularly receives lodging with or without meals at another's home for pay or services.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BODY ART. Establishments that engage in providing "body art" or "body art procedures" including physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

BREW PUB. A restaurant-brewery that sells 85% or more of its beer on-site. The beer is brewed primarily for sale in the restaurant and bar, and may be dispensed directly from the brewery's storage tanks. Brewpubs may also sell beer for off-sale consumption in growler containers.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. A structure with a roof, intended for shelter, housing, business, or enclosure.

BUILDING, FRONT FACADE. A building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.

BUILDING HEIGHT. See § 153.010(B)(5).

BUILDING LINE. See § 153.010(B)(3).

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot.

BULK FUEL SALES AND STORAGE. The commercial storage of gasses and fuels in above ground containers.

BUSINESS. Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

BUSINESS DAY. A day on which City Hall is open.

BUSINESS SUPPORT SERVICES. Establishments that engage primarily in rendering services to businesses including but not limited to copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations.

CALIPER. A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper inches of a tree shall be determined by measuring the tree's diameter four feet, six inches from the ground.

CANNABIS CULTIVATION. A cannabis business licensed by the state 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, or perform other actions approved by the office, for either adult use or medical use.

CANNABIS INDUSTRIAL BUSINESS. A business enterprise that is licensed by OCM for one of the following cannabis-related uses:

- (1) Cultivator;

- (2) Manufacturer;
- (3) Wholesaler;
- (4) Transporter;
- (5) Testing facility;
- (6) Delivery service;
- (7) Mezzobusiness;
- (8) Microbusiness;
- (9) Any such business that conducts these activities for lower-potency hemp enterprises;
- (10) Any such business that conducts these activities for medical cannabis enterprises; or
- (11) Any other cannabis-related business enterprise that is not expressly and solely a retail business.

CANNABIS-RELATED BUSINESSES. Unless otherwise noted in this section, words and phrases contained in M.S. § 342.01, as amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this chapter.

CANNABIS RETAIL BUSINESSES. A business enterprise that is licensed by OCM for one of the following cannabis-related uses: a cannabis retailer, or the location(s) of a mezzobusiness with a retail operations endorsement, or the retail locations of a microbusiness with a retail operations endorsement, medical cannabis retailer, or a medical combination businesses operating a retail dispensary location, (and excluding) lower-potency hemp edible retailers.

CANOPY. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

CANOPY TREE. A tree that has an expected height at maturity of 30 feet or more.

CELLAR. See **BASEMENT**.

CEMETERY. Land used or intended to be used for burying the remains of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

CHANNEL. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

CHARITABLE, FRATERNAL, OR SOCIAL CLUB/LODGE. See **PLACE OF PUBLIC ASSEMBLY**.

CHURCH. See **PLACE OF PUBLIC ASSEMBLY**.

CITY ENGINEER. A person who has received training and is given authority by the City of Monticello to design, review, authorize, approve, inspect, and maintain erosion and sediment control plans and practices. The City Engineer is part of the Community Development Department.

CIVIC INTEREST GROUP. A civic interest group is a non-governmental organization which has a public or quasi-public service purpose as its central function, but may include additional uses and activities related to its public function or provided to its membership. A civic interest group may or may not have a specific site location or building which it occupies whether owned or leased. Examples of such groups may include religious institutions, local or national service clubs and organizations, private museums, historical facilities or similar entities.

CLEARING. Any activity that removes the vegetative surface cover.

CLEAR-CUTTING. The removal of an entire stand of trees.

CLINIC/MEDICAL SERVICES. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

COCKTAIL ROOM. A room that is ancillary to the production of liquor at a production distillery where the public can purchase and/or consume only the liquor produced on site.

COMBINATION USE. The combination of two principal uses.

COMMERCIAL LODGING. A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupation by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

COMMERCIAL OFFICES. A commercial use involving predominantly administrative, clerical, or professional operations. Commercial offices may include professional and administrative training, but shall not include direct retail commercial transaction activities. Professional training may include classes and training offered by professional or administrative entities to consumers of professional services.

COMMERCIAL SELF-STORAGE. A land use characterized by a variety of sized spaces available to the general public for rent on short-term periods, and for which size of individual spaces are less than 1,000 square feet in area. Commercial self-

storage facilities are limited to storage use only, with no separate business activities permitted as part of the use.

COMMUNICATION ANTENNAS AND ANTENNA SUPPORT STRUCTURES. See **ANTENNA, TELECOMMUNICATION.**

COMMUNICATIONS/BROADCASTING. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Antennas, antenna support structures and satellite dishes are included in this definition. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

COMMUNITY DEVELOPMENT DEPARTMENT. Those departments assigned by the City Administrator to oversee the various aspects of development within the city. Such departments may include but are not limited to planning, building safety, code enforcement, and engineering.

COMMUNITY GARDEN. A public or private facility for cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or group.

CONDITIONAL USE. A permitted use that, because of special requirements or characteristics, may only be allowed in a particular zoning district after review by the city and granting of conditional use permit which imposes conditions deemed necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses that cannot be adequately controlled through conditions shall be prohibited. Approved conditional uses and their conditions run with the land and are not specific to property owners.

CONDOMINIUM. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. Residential condominium dwelling units are subject to the provisions of the Minnesota Condominium Law, M.S. §§ 515.01 to 515.29, as they may be amended from time to time.

CONSERVATION EASEMENT. A conservation easement is legal land preservation agreement between a landowner and a municipality or a qualified land protection organization. The easement confers the transfer of usage rights from one party to another.

CONSTRUCTION ACTIVITY. A disturbance to the land that results in a change in the topography, or the existing soil cover (both vegetative and non-vegetative). Examples of construction activity may include clearing, grading, filling and excavating.

CONSTRUCTION TRAILER. Trailers used as temporary offices to meet a short-term need while the permanent facilities are being expanded. A temporary use permit is required for such office trailers.

CONTRACTOR. The party who signs the permit, application, construction contract, or development agreement with the city to construct a project. Where the construction project involves more than one contractor, the general contractor shall be the contractor that is responsible pursuant to the obligations set forth in this chapter.

CONTRACTORS YARD - TEMPORARY. A location on which a construction contractor operating with a current permit for construction of public utilities, infrastructure, or other project on public property, rights-of-way, or public easements, stores equipment, temporary office space, vehicles, and materials for no more than a two-year period.

CONVENIENCE RETAIL. A retail store not more than 4,000 square feet in area that generally carries a reduced inventory of a variety of items such as dairy products, minor automobile related items, groceries, novelties, magazines, etc. A convenience store may be combined with vehicle fuel sales where permitted.

COOPERATIVE (HOUSING). A multiple-family attached dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

COUNTRY CLUB. A membership club or business organized and operated primarily to provide recreational activities such as golf, swimming, tennis, and other outdoor recreation to its members and their guests which includes facilities such as a club house, banquet areas, locker rooms, and pro shop.

COURT. An unoccupied open space other than a yard which is bounded on two or more sides by the walls of the buildings.

CREMATORY. A facility containing furnaces for the reduction of dead bodies to ashes by fire.

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.

DAY CARE - HOME. See definitions for **GROUP RESIDENTIAL FACILITY.**

DECIDUOUS TREE. A tree that generally loses all of its leaves for part of the year.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site at any point extending above grade.

DENSITY, BASE. The number of dwelling units allowed per net acre of land.

DENSITY, MAXIMUM. The number of dwelling units potentially allowed per net acre of land if certain conditions are met

through either performance standards or the planned unit development process.

DEPARTMENT STORE. See **RETAIL COMMERCIAL USES (OTHER)**.

DEPOSIT. Any rock, soil, gravel, sand, or other material deposited naturally or by man into a water body, watercourse, floodplain, or wetland.

DEWATERING. The removal of water for construction activity such as the removal of temporary sediment basin water or appropriated surface or groundwater to dry and/or solidify a construction site.

DISTRICT. An area delineated on the official zoning map that sets forth standards and guidelines for all development within the prescribed zoning district.

DONATION DROP-OFF CONTAINER. A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items.

DRAINING. The removal of surface water or groundwater from land.

DREDGING. To enlarge or clean out a water body, watercourse, or wetland.

DRIPLINE. A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVE-THROUGH SERVICE. A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

DUMPSTER. A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck or be hauled away for emptying.

DWELLING. A building or portion thereof designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels, and boarding houses.

DWELLING, ATTACHED. A structure intended for occupancy by more than one family, including duplexes, townhomes, multi-family dwellings, apartments, and condominiums. Accessory dwelling units as defined and permitted by this chapter are incidental to a principal dwelling unit and are not considered to be attached dwellings.

DWELLING, DUPLEX OR TWO-FAMILY. Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

DWELLING, SINGLE-FAMILY DETACHED. Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes by one family.

DWELLING, MULTIPLE-FAMILY. A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

DWELLING UNIT. An area within a structure designed and constructed to be occupied by one family which includes permanent provisions for living, cooking, and sanitation. Dwelling unit does not include hotels, motels, correctional facilities, nursing/convalescent home, rehabilitation centers, or other structures designed for transient residence. In group residential facilities, multi-family, each separate bedroom, combined with all common areas up to 520 square feet of gross building floor area shall be considered one potential dwelling unit for purposes of calculating dwelling unit density on a multi-family parcel.

EFFICIENCY APARTMENT. A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove, and has limited provisions for cooking (kitchenette).

ELECTRIC VEHICLE (EV) CHARGING STATION FACILITY: ELECTRIC VEHICLE (EV) CHARGING STATION FACILITY. An **EV CHARGING STATION** (or "charger") is a facility designed and constructed to supply electricity for the purpose of charging one electric motor vehicle, together with the transformers, batteries, inverters, connections, cables, and other equipment necessary to supply such electricity. For the purposes of this chapter, a facility that can serve more than one vehicle at a time shall be deemed to consist of multiple charging stations.

ENTERTAINMENT, INDOOR COMMERCIAL. An establishment providing completely enclosed recreation or entertainment activities. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed uses. Examples of indoor commercial entertainment businesses include bowling alleys, roller and ice-skating rinks, billiards halls, swimming pools, motion picture theaters, and similar amusements. Indoor commercial entertainment uses do not include event centers or adult uses.

ENTERTAINMENT, OUTDOOR COMMERCIAL. An establishment providing recreation or entertainment activities primarily occurring outdoors. Accessory uses may include the preparation and serving of food, the sale of equipment related to the outdoor uses, and complementary indoor entertainment facilities. Examples of outdoor commercial entertainment businesses include, but are not limited to, golf driving ranges, sand volleyball courts, go-carts, and miniature golf courses. Outdoor commercial entertainment uses do not include projectile weapon ranges (archery or shooting), sports stadiums or drive-in movie theaters.

ERECT. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

EROSION CONTROL. A measure that prevents erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

EROSION CONTROL INSPECTOR. A designated agent given authority by the City of Monticello to inspect and maintain erosion and sediment control practices.

EROSION PREVENTION. Measures employed to prevent erosion. Examples include, but are not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

ESSENTIAL SERVICES. Public or private utility systems for gas, electricity, steam, sewer and water; voice, television, and digital communications systems; and waste disposal and recycling services. These services include underground, surface, and overhead systems and all accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, and other similar features necessary for the function of the essential service. Wireless radio frequency reception and transmission antennas and support structures shall not be considered an essential service. Essential services do not include buildings or uses that include human occupancy or activity beyond occasional service or maintenance.

EVENT CENTER. A multi-purpose commercial venue (public or privately owned) used for the purposes of performances, trade shows, corporate functions, sporting events, private receptions or parties, holiday gatherings or similar attractions.

(1) Common characteristics of event centers, which differentiate such uses from places of public assembly, often include but are not limited to, the following:

- (a) Varied and/or irregular activity schedules.
- (b) The display and/or sale of retail commercial goods.
- (c) The generation of high traffic volumes at varied time periods.
- (d) Commercial activities and uses in coordination with the events.
- (e) Locations in commercial districts.
- (f) Alcohol service as licensed.

(2) Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, structured parking facilities, and patron transportation facilities. Event centers do not include adult uses and places of public assembly.

EVERGREEN TREE. A tree that retains some or most of its leaves or needles throughout the year.

EXCAVATION. The process of reshaping land at a construction site. This can include raising or lowering ground levels, adding or removing slopes or leveling the ground surface. In general, it has two main purposes: creating proper drainage; preparing land to bear weight. Excavation may remove soil or other materials from a site, but is distinguished from **EXTRACTION** in that excavation is specifically related to a construction project. Also **GRADING**.

EXISTING TREE CANOPY. The crowns of all healthy self-supporting canopy trees with a diameter at breast height (DBH) of ten inches or greater and understory trees with a caliper size of four inches or greater at breast height.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time. Also **MINING**.

FAMILY. An individual or group that maintains a common household and use of common cooking and kitchen facilities and common entrances to a single dwelling unit, where the group consists of:

- (1) Two or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship (including foster children); or
- (2) Not more than four unrelated persons.

FARMERS MARKET. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

FENCE. A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FILLING. The act of depositing any rock, soil, gravel, sand, or other material so as to change the natural grade of the land; and/or to fill or partly fill a water body, watercourse, or wetland.

FINAL GRADE. Excavation or fill of material to final plan elevation. Final grade completed as part of individual site

development.

FINAL STABILIZATION.

(1) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;

(2) For individual lots in residential construction by the contractor, the contractor must either: (a) complete final stabilization as specified above; or (b) establish temporary stabilization including perimeter controls for an individual lot prior to occupation of the structure. If the contractor chooses (b), it must inform the owner in writing of the requirements for final stabilization;

(3) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in subparts (a) or (b) above;

(4) The contractor must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from washing back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity. All drainage ditches constructed to drain water from the site after construction is complete must be stabilized to preclude erosion; and

(5) All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the final stabilization on the site.

FINANCIAL INSTITUTION. An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machine (ATM) services, located within a fully enclosed space or building, along an exterior building wall intended to serve walk-up customers only, or in a city authorized drive-thru lane.

FINISHING STANDARD. Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. The term "finishing standard" shall be synonymous with "performance standard."

FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the City of Monticello.

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PROFILE. A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

FLOOD-PROOFING. A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA. See § 153.010(B)(4).

FLOOR AREA - FINISHABLE. Area within a building-exclusive of mechanical, garage, or unfinished storage space-that could meet all requirements of "finished floor area" after improvements are completed.

FLOOR AREA - FINISHED. To qualify as finished floor area, the space shall be at or above the finished exterior grade, or in the case of lower levels, no less than 42 inches below such grade; must have heat; flooring such as carpet, vinyl, tile, wood or other similar floor covering; a ceiling and walls covered with gypsum board, plaster, or wood which is stained, painted or covered with other residential wall/ceiling covering prior to occupancy. Basements that are neither "look out" or "walk out" levels may be finished, but shall not be counted towards a minimum finished square footage calculation.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FREEWAY CORRIDOR (SIGN) AREA. A special signing area encompassing land located within 800 feet either side (north or south) of the centerline of Interstate 94, in addition to certain areas along Trunk Highway 25 south of Interstate 94 north of Dundas Road, East of Sandberg Road, and West of Cedar Street as shown on the city's official Freeway Bonus Sign District Map.

FUEL PUMP. Equipment or unit designed and constructed to supply gasoline, diesel, natural gas, or other petroleum fuels and oils, electric charging, hydrogen, or any other fuel intended to power motor vehicles.

FUNERAL SERVICES. An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

GARAGE. An attached or detached accessory structure for the purpose of parking vehicles.

GARAGE SALE. The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term "garage sale" includes "sidewalk sale," "yard sale," "basement sale," and "estate sale."

GENERAL WAREHOUSING. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

GRADING, DRAINAGE AND EROSION CONTROL PERMIT. A permit issued by the municipality for the construction or alteration of the ground and for the improvements and structures for the control of erosion, runoff, and grading. Herein after referred to as "grading permit".

GRADING, DRAINAGE AND EROSION CONTROL PLANS. A set of plans prepared by or under the direction of a licensed professional engineer. Plans are required to indicate the specific measures and sequencing to be used to control grading, sediment and erosion on a development site during and after construction as detailed in the City of Monticello "Plan Requirements and Design Guidelines".

GREENHOUSE/CONSERVATORY. A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GROUP RESIDENTIAL FACILITY, MULTI-FAMILY. A state-licensed facility, public or private, which regularly provides a planned combination of living conditions, services, and resources for the treatment, rehabilitation, training, supervision, or care of persons residing on the premises which falls into one of the following categories: 1) a state licensed residential facility serving between seven and 16 persons; or 2) a licensed day care facility serving between 13 and 16 persons. This term does not include any type of residential or non-residential facility for persons convicted of crimes, or for persons accused of crimes who are diverted to the facility before conviction; nor does it include a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.

GROUP RESIDENTIAL FACILITY, SINGLE-FAMILY. A state-licensed facility, public or private, which regularly provides a planned combination of living conditions, services, and resources for the treatment, rehabilitation, training, supervision, or care of persons residing on the premises which falls into one of the following categories: 1) a state licensed residential facility serving six or fewer persons; 2) registered housing with services establishment serving six or fewer persons; 3) a licensed day care facility serving 12 or fewer persons; or 4) a group family day care facility licensed to serve 14 or fewer children. This term does not include any type of residential or non-residential facility for persons convicted of crimes, or for persons accused of crimes who are diverted to the facility before conviction; nor does it include a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.

GROWLER. A 64 fluid ounce (1.89 liter) container of beer that is made available for purchase at the brewery where it's produced. Said container is available for off-sale consumption only.

HEAVY INDUSTRIAL USE. See **HEAVY MANUFACTURING**.

HELIPORT. An area used or intended to be used for the landing and takeoff of helicopters, and may include any or all of the areas of buildings appropriate to accomplish these functions.

HIGH RISK TREE. Any tree with structural defects sufficient to render the tree or part of the tree likely to fail and cause damage to persons, property, or other significant vegetation, as determined by a qualified arborist or other tree professional.

HOME OCCUPATION. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

HOOP BUILDING (see also **TARP GARAGE**). A portable or permanently anchored structure defined mainly by a steel or PVC frame over which a cover made from plastic, tarp, or other similar type fabrics or materials is placed.



HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, parking lots, storage areas and concrete, asphalt, or gravel driveways or roads.

INDOOR FOOD/CONVENIENCE SALES. A small retail establishment located within or associated with another use that offers for sale prepared food or convenience goods such as prepackaged food items, tobacco, periodicals, and other household goods.

INDUSTRIAL SELF-STORAGE. A land use characterized by larger spaces available to occupants for the purposes of storage of commercial, industrial, or personal goods, as well as business, industrial, or hobby activities accessory to such storage as may be permitted within the zoning district, provided that no such space is subdivided to a total area that is less than 2,000 square feet in area.

INDUSTRIAL SERVICES (GENERAL). Businesses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products; or providing other related services primarily for industrial businesses. Industrial service firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Also includes firms such as contractors and building maintenance services and similar establishments engaged in performance of services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking and storage.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

LAKE, GENERAL DEVELOPMENT. Lakes that usually have more than 225 acres of water per mile of shoreline and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

LAKE, NATURAL ENVIRONMENT. Lakes that usually have less than 150 total acres, less than 60 acres per mile of shoreline, and less than three dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than 15 feet deep.

LAKE, RECREATIONAL DEVELOPMENT. Lakes that usually have between 60 and 225 acres of water per mile of shoreline, between three and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

LAND DISTURBING ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city's jurisdiction, including, but not limited to, clearing, grubbing, grading, excavating, transporting and filling.

LAND RECLAMATION. The reclaiming of land by the importation, depositing, or grading of soils in excess of 400 cubic yards so as to elevate the grade.

LANDSCAPE STRIP, PERIMETER. Vegetative material associated with the perimeter landscaping required for a vehicular use area.

LANDSCAPING/NURSERY BUSINESS. A retail business devoted to the growth, display, and/or sale of plants, shrubs, trees; and/or landscaping materials and services.

LIGHT INDUSTRIAL USE. See **MANUFACTURING, LIGHT**.

LOT (OF RECORD). A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this chapter and having its principal frontage upon a street.

LOT. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this zoning chapter for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the Council. **LOT** related definitions (e.g. lot depth, lot area, lot corner, etc): see §153.010(B).

LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

LOWER-POTENCY HEMP EDIBLE. As defined under M.S. § 342.01, subd. 50, as amended from time to time.

MACHINERY/TRUCK REPAIR. This business performs mechanical, electrical, structural, and cosmetic repairs to trucks

and heavy equipment. Allowed: Tune ups and adjustment, replacement of parts, rebuilding of parts or components when installation is available, body repair, collision service and painting, frame straightening and repair, steam cleaning and/or sandblasting, undercoating and rust proofing, radiator repair, tire repair, wheel alignment and balancing, washing, cleaning, and polishing.

MANAGED NATURAL LANDSCAPE. A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. **MANAGED NATURAL LANDSCAPES** does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

MANUFACTURED (MOBILE) HOME. A structure transportable in one or more sections which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on a side, is 760 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code (M.S. § 327.31, as it may be amended from time to time).

MANUFACTURED HOME PARK. A contiguous parcel of land which has been developed for the placement of manufactured homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation.

MANUFACTURING, HEAVY. The manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use.

MANUFACTURING, LIGHT. The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

MARQUEE. Any permanent roof like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

MAXIMUM DENSITY. The number of dwelling units allowed per gross acre of land as controlled by an individual or joint ownership group.

MEADOW VEGETATION. Grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

MEAN GROUND LEVEL. The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

MICRO-DISTILLERY. A distillery that produces 40,000 proof gallons of liquor or less annually.

MULTIPLE-TENANT SITE. Any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

NATURAL DRAINAGE SYSTEM. All land surface areas which by nature of their contour configuration, collect, store and channel surface water run-off.

NATURAL OBSTRUCTION. Means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a nonhuman cause.

NEXT AVAILABLE AGENDA. The next meeting at which an application can be heard by a reviewing body after consideration of the anticipated time for review and other items already scheduled for future agendas. The Community Development Department has full discretion to select the best future meeting date that will accommodate the administrative and official review of an item provided the overall timeframe for review will comply with all state mandated review deadlines.

NONCONFORMING STRUCTURE OR BUILDING. A structure or building, the size, dimensions, or location of which was lawful prior to effective date of this chapter as denoted in § 153.004, or on the effective date of any amendment to this chapter, but that fails by reason of such adoption or amendment to conform to the requirements of this chapter.

NONCONFORMING USE. Any use lawfully being made of any land, building, or structure not otherwise abandoned, existing on effective date of this chapter as denoted in § 153.004 or on the effective date of any amendment of this chapter, that does not comply with the use regulations of this chapter or the amendment.

NURSING HOME (CONVALESCENT HOME). A facility that provides nursing services and custodial care generally on a 24-hour basis for two or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services; but not including hospitals, clinics, sanitariums, or similar institutions.

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

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as "OCM" in this chapter.

OFFICE USE. An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OPACITY (OPAQUE). A measurement indicating the degree of obscuration of light or visibility. An object that is 100% opaque is impenetrable by light.

OPEN SALES. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale. This use includes all outdoor sales and display of goods and/or materials that are not specifically addressed as outdoor storage, sidewalk sales and display, or off-street vehicle parking.

OPEN SPACE. An area on a lot not occupied by any structure or impervious surface.

OPEN SPACE, USABLE. A required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

ORDINARY HIGH WATER (NEW SHORELAND DISTRICT CODE). The boundary of public waters which may include wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

ORNAMENTAL PLANTS. Grasses, perennials, annuals, and groundcovers purposefully planted for aesthetic reasons.

OUTDOOR STORAGE. The keeping, in an un-roofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot.

OUTPATIENT CARE. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

OWNER. The person or entity with a legal or equitable interest in the land on which the construction activities will occur.

PARAPET. A low wall which is located perpendicular to (extension of front wall) a roof of a building.

PARK FACILITY, ACTIVE. A park or recreation facility that includes one or more of the following: buildings, lighting, ball fields, tennis courts, swimming pools, skate parks, golf courses, or other active sports facilities. Active park facilities will commonly include benches, picnic areas, trails, sidewalks, and other similar features.

PARK FACILITY, PASSIVE. A park or recreational facility that does not include the construction of facilities, lighting, or development of ball fields or other active sports facilities. Passive parks may include benches, picnic areas, trails and sidewalks.

PARKING, OFF-STREET. The act of keeping a passenger vehicle as defined herein and/or small commercial vehicles, recreational vehicles and emergency vehicles as defined herein, on an approved parking space, properly surfaced, for a period of less than 24 hours.

PARKING BAY. The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

PARKING ISLAND. Landscaped areas within parking lots used to separate parking areas and to soften the overall visual impact of a large parking area from adjacent properties.

PARKING LOT DRIVE AISLE. A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE/STALL. An area enclosed in the main building, in an accessory building, or unenclosed sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PARKING STRUCTURE. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, decks, and ramp parking.

PARKING, SURFACED. A parking space or storage space which is paved, or surfaced with crushed rock, such as Class V limestone, crushed or decomposed granite, "con-bit", or landscaping rock of adequate durability to support the load parked or stored thereon.

PARKING, UNSURFACED. A storage space which is covered by vegetation, such as grass or other landscaped cover, and which is mowed or trimmed to meet the city's weed control regulations. Unsurfaced space may not include bare ground which may be subject to erosion, tracking of mud onto the roadway, or drainage of silt into a public drainage easement or waterway.

PASSENGER TERMINAL. A place that receives and discharges passengers which generally includes facilities and equipment required for the operation. Examples include terminals for bus, taxi, railroad, shuttle van, or other similar vehicular services. This definition does not include bus stops or similar transfer points for passengers at which no facilities (excluding a bench or shelter) are provided.

PAVED. A parking space or storage space which is surfaced with only the following materials: Asphalt, concrete, and natural or man-made paving stones such as brick, granite, or concrete pavers, provided such pavers have a flat surface area of no less than nine square inches.

PERFORMANCE STANDARD. Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. The term "performance standard" shall be synonymous with "finishing standard."

PERIMETER SEDIMENT CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT COVER. Final stabilization.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

PERMITTEE. Applicant for and recipient of an approved permit.

PERSON. An individual, firm, partnership, association, corporation, or organization of any kind.

PERSONAL SERVICES. Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include but are not limited to: laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, body art (including tattooing), and portrait studios. This use may also include indoor pet grooming services for dogs, cats and/or small household pets as permitted by city code, not including animal kennel/boarding or overnight care, outdoor activities or veterinary activities.

PHASING (IN RELATION TO GRADING). Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

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.

PLACE OF PUBLIC ASSEMBLY. An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, and other similar activities, including buildings in which such functions and activities are held. Places of public assembly are characterized by individuals arriving and departing at regularly scheduled times and do not include event centers. Common characteristics of places of public assembly, which differentiate such uses from event centers, may include but are not limited to, the following:

- (1) Regular activity schedules.
- (2) No display and/or sale of retail commercial goods or services.
- (3) The generation of traffic at routine time periods.
- (4) Predictable traffic volumes during activities.
- (5) Locations that may be in commercial, industrial, or residential zoning districts.

PLAN REQUIREMENTS AND DESIGN GUIDELINES. Manual detailing city specifications for all plan requirements.

PLANNED UNIT DEVELOPMENT. A type of development which may incorporate a variety of land uses planned and developed as a unit. The planned unit development is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality, and the Commissioner of Natural Resources as may be required.

PLANTING STRIP. Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PORTABLE CONTAINER. A large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.

PRELIMINARY LICENSE APPROVAL. OCM pre-approval for a cannabis business license for applicants who qualify

under M.S. § 342.17, as amended from time to time.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses.

PRODUCTION BREWERY. A facility that manufactures, processes and warehouses beer for wholesale distribution in off-sale packages to retail liquor establishments and may retail beer product for on-site consumption in a taproom for off-site consumption as growlers. A production brewer may not have an ownership interest in a brewery licensed under Minnesota Statutes.

PROFESSIONAL OFFICE - SERVICES. A commercial use involving administrative, clerical, or professional operations, and routinely including direct transactions or consultations with clients for such services. Such uses commonly include legal, financial, insurance, or real estate services, among others, but do not include retail sales of stock-in-trade goods.

PUBLIC BUILDING OR USE. Any facility, including but not limited to buildings and property that are leased or otherwise operated or funded by a governmental body or public entity.

COMMUNITY CENTER. A "public building or use" that provides a variety of services and facilities for both public and private activities, which may include the following: city offices; U.S. or State of Minnesota military offices; recreation facilities and classes; public assembly uses; senior citizen community rooms and activities; event center gatherings; and support facilities for any of the above. Individual public space and/or facilities within a **COMMUNITY CENTER** may be used, leased or rented to other entities, including private individuals or groups as an incidental and accessory aspect of such space or facility, at the discretion of the public agency owner/manger.

PUBLIC WAREHOUSING. The indoor storage of equipment and/or materials by a government agency which may, or may not, be related to other principal uses on the same property.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, subd. 15, 15a, as it may be amended from time to time.

RAIN GARDEN. A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

REACH (IN RELATION TO FLOODPLAINS). A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

REAL ESTATE OFFICE/MOBILE SALES HOME. A dwelling temporarily used as a sales office for a residential development under construction for on-site sales.

RECREATIONAL VEHICLE CAMP SITE. A lot or parcel of land occupied or intended for occupancy by recreational vehicles for travel, recreational, or vacation usage for short periods of stay subject to the provisions of this chapter.

RECYCLING AND SALVAGE CENTER. A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

REPAIR ESTABLISHMENT. An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer.

RESIDENTIAL TREATMENT FACILITY. As defined under M.S. Ch. 245G, as amended from time to time.

RESTAURANT. An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Such a facility may include indoor and outdoor seating and/or drive through services.

RETAIL COMMERCIAL USES (OTHER). A commercial land use where the establishment is primarily engaged in the sale or rental of goods and materials to the general public, accepts payment or orders for, and delivers to the end user a good or service. Elements of the retail business include stock-in-trade held on the premises in the case of goods or provides a service to the end user on the premises. Retail businesses may arrange for delivery of a good rather than deliver the good concurrent with the transaction, or may accept payment or orders electronically in advance, for delivery of the good or service in person at a later date. Retail commercial uses do not include those business engaged primarily in delivery of goods for further treatment or finishing, or the sale of goods to businesses for subsequent resale, sale of goods from moveable motorized vehicles, or medical clinics. Where the Zoning Ordinance establishes a separate class of use for a specific business, such business shall be subject to the specific regulations applicable to such use.

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

RETAIL SERVICE. A retail service establishment is a form of retail business that creates a product of value (either good or service) on site and delivers said good or service to the end user on site. Examples of retail services include businesses

which fabricate and/or craft creative goods on site and both display and sell such goods to the end user at the retail location such as artist studios, bicycle shops, photography studios or similar uses. Where the Zoning Ordinance establishes a separate class of use for a specific business, such business shall be subject to the specific regulations applicable to such use.

RIVER, AGRICULTURAL. Rivers that run through intensively cultivated areas, mainly in the southern and western area of Minnesota.

RIVER, FORESTED. Rivers that are in forested, sparsely to moderately populated areas with some roads; typically found in northeast, southwest and north-central Minnesota

RIVER, REMOTE. Rivers that are primarily in roadless, forested, sparsely populated areas in northeastern Minnesota.

RIVER, TRANSITION. Rivers that are in a mixture of cultivated, pasture and forest lands.

RIVER, TRIBUTARY. Rivers in the Protected Public Waters Inventory that are not classified by the DNR as an agricultural, forested, remote or transition river.

ROOF. The exterior surface and its supporting structure on the top of a building or structure. The structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the International Building Code.

ROOT ZONE. The area inside the dripline of a tree that contains its roots.

SCHOOL. A public school as defined under M.S. § 120A.05, as amended from time to time, or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24, as amended from time to time.

SCHOOL, HIGHER EDUCATION. A public or private non-profit institution for post-secondary education or a public or private school offering vocational or trade instruction to students. Such educational institutions operate in buildings or structures on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SCHOOL, PRE-K-12. A public or private school offering general, technical, or alternative instruction at the elementary, middle, or high school level that operates in buildings or structures on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only in middle or high schools), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SCROLLING TEXT. A type of dynamic sign movement in which the letters or symbols move horizontally across the sign in a continuous scroll, permitting a viewer to observe the message over time. Scrolling shall not include flashing or other types of video movement.

SEDIMENT. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air or ice, and has come to rest on the earth's surface either above or below water level.

SEDIMENT CONTROL. Measures and methods employed to prevent sediment from leaving the site.

SELF-STORAGE FACILITY. A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

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

SENIOR HOUSING. A multiple-family structure, 80% of whose occupants shall be 65 years of age or over, or a multiple-family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired. The facility may include common areas for the congregation of occupants for activities or meals. Senior housing shall typically consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.

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

SETBACK. The horizontal distance between a structure and the lot lines of the lot on which it is located; or the minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Rules Chapter 7080.

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

SHADE TREE. A tree planted or valued chiefly for its shade from sunlight; this term usually applies to large trees with spreading canopies.

SHELTER, FALLOUT. An accessory building specifically designed and used for the protection of life from radioactive fallout.

SHELTER, STORM. An accessory building specifically designed and used for the protection of life from weather events.

SHOPPING CENTER. An integrated grouping of commercial stores under single ownership or control. See also **RETAIL COMMERCIAL USES.**

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback.

SHORELAND. Land located within the following distances from public water:

- (1) One thousand feet from the ordinary high water mark of a lake, pond, or flowages.
- (2) Three hundred feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources or the commissioner's designated representative.
- (3) The area included in the recreational land use districts for the Mississippi River as defined in Minn. Rules Chapter 6105.0800-0950.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK SALES AND DISPLAY, OUTDOOR. Outdoor sale and display, conducted as an accessory, incidental activity by the proprietor, of products normally sold inside a retail establishment, subject to the limitations identified in this chapter.

SIGN. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

SIGN FACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SIGN, ABANDONED. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Where a sign has received a special permit or other city approval, such approval shall run with the principal use of the property, and such a sign shall be considered to be abandoned under this definition when it meets the conditions specified in this section, notwithstanding the prior special approval.

SIGN, AREA. A sign identifying a series of related parcels or uses, rather than a specific parcel or use.

SIGN, AREA IDENTIFICATION. A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center consisting of five or more separate business concerns, an industrial area, an office complex consisting of three or more structures, or any combination of the above located on contiguous property.

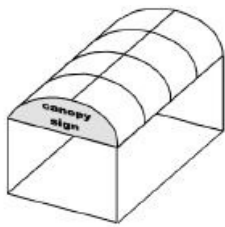
SIGN, AWNING. A building sign or graphic printed on or in some fashion attached directly to the awning material.

SIGN, BALLOON. A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

SIGN, BILLBOARD. See **OFF-PREMISES SIGN.**

SIGN, BUILDING. Any sign attached or supported by any building.

SIGN, CANOPY. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.



SIGN, CHANGEABLE COPY. A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.



SIGN, CHANGEABLE COPY (ELECTRONIC). A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs. Electronic changeable copy signs may also be dynamic display signs if the definition of dynamic display sign is met.

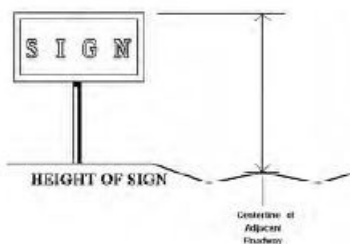
SIGN, DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays. All dynamic displays are changeable copy signs, but not all changeable copy signs are dynamic displays.

SIGN, ELECTRONIC GRAPHIC DISPLAY. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

SIGN, FLASHING. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

SIGN, FREESTANDING. Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

SIGN, HEIGHT OF. The height of the sign shall be computed as the vertical distance measured from the mean ground level on which the sign is placed to the top of the highest attached component of the sign.



SIGN, IDENTIFICATION. Signs in all districts which identify the business or owner, or manager, or resident, and set forth the address of the premises where the sign is located and which contain no other material.

SIGN, ILLUMINATED. Any sign which contains an element designed to emanate artificial light internally or externally.

SIGN, MARQUEE. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.



SIGN, MONUMENT. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding 14 feet.



SIGN, MULTI-VISION. Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

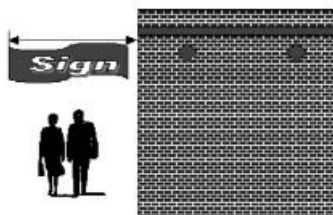
SIGN, OFF-PREMISES. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of the Sign Ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

SIGN, OFFICIAL. Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty - See also "Public Sign".

SIGN, POLE. See **PYLON SIGN**.

SIGN, PORTABLE. Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

SIGN, PROJECTING. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface of such building or wall face.



SIGN, PUBLIC. Any sign posted by a governmental agency of a public, noncommercial nature, to include signs indicating scenic or historical points of interest, memorial plaques, and the like, and signs for civic interest groups within the City of Monticello when signs are erected by or on order of a public officer or employee in the performance of official duty - see also **OFFICIAL SIGN**.

SIGN, PYLON. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.



SIGN, ROOF. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, ROOF SIGN, INTEGRAL. Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, ROTATING SIGN. A sign or portion of a sign which turns about on an axis.

SIGN, SANDWICH BOARD. A sign placed near the entrance of a business, usually on the public or private sidewalk, advertising particular aspects of the business goods or services.



SIGN, SHIMMERING. A sign which reflects an oscillating sometimes distorted visual image.

SIGN, SUSPENDED. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to such surface.

SIGN, TEMPORARY. Any sign which is erected or displayed for a specified period of time, including, but not limited to, banners, search lights, portable signs, streamers, pennants, inflatable devices.

SIGN, TIME AND TEMPERATURE. A sign that displays only current time and temperature information.

SIGN, VIDEO DISPLAY. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

SIGN, WALL. Any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW. Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.



SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SITE LANDSCAPING. Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions (see § 153.060(H)).

SLOPE. Means the degree of deviation of surface from the horizontal, usually expressed in percent or degrees.

SOLAR ENERGY. Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy. Solar energy systems are allowed only as accessory structures in any zoning district other than Planned Unit Development Districts, subject to the requirements of § 153.092.

SPECIAL EVENT. An event which plans for or can reasonably expect to attract more than 100 persons at any one time such as cultural events, musical events, celebrations, festivals, fairs, carnivals, etc.

SPECIALTY EATING ESTABLISHMENTS. Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

SPEECH, COMMERCIAL. Speech advertising a business, profession, commodity, service or entertainment.

SPEECH, NON-COMMERCIAL. Dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

STABLE. A building in which horses are sheltered; may be accessory to a residential or other use or a freestanding principal use.

STABILIZATION/STABILIZED. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

STABILIZED. The exposed ground surface after it has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blankets, or other material that prevents erosion from occurring. Grass seeding is not considered stabilized until it has established and meets the definition of final stabilization.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, excavation and filling;

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

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, which are not bluffs.

STORMWATER. Defined and shall have the meaning given to it by Minn. Rules 7077.0105, subp. 41(b).

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will minimize soil erosion on a parcel of land and minimize off-site nonpoint pollution to the maximum extent practicable.

STORY. See § 153.010(B)(5).

STREET FRONTAGE. See § 153.010(B)(1)(f).

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, or office purposes, either temporarily or permanently. **STRUCTURE** also includes, but is not limited to, swimming pools, tennis courts, signs, sheds, docks, and similar accessory construction.

STRUCTURE, PUBLIC. A building or edifice of any kind which is owned or rented, and operated by a federal, state, or local government agency.

SUBDIVISION. Any real estate, wherever located, improved or unimproved, which is divided or proposed to be divided for the purpose of sale or lease, including sales or leases of any timeshare interest, unit in a common interest community, or similar interest in real estate.

SURFACE WATER OR WATERS. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, wells, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWIMMING POOL. A structure, whether above or below grade level, designed to hold water more than 24 inches deep to be used for recreational purposes

TAPROOM. A room that is ancillary to the production of beer at a production brewery where the public can purchase and /or consume only the beer produced on site.

TARP GARAGE. A portable or permanently anchored structure defined mainly by a steel or PVC frame over which a cover made from plastic, tarp, or other similar type fabrics or materials is placed.



TATTOO, TATTOOING. Any method of placing designs, letters, scrolls, figures, symbols or any other mark upon, under or in the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments which puncture any portion of the skin to any degree.

TELECOMMUNICATION TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.

TEMPORARY EROSION PROTECTION. Short term methods employed to prevent erosion. Examples of these methods include: straw, wood fiber blanket, wood chips and erosion netting.

TEMPORARY MOBILE CELL SITE. Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as cellular on wheels (COW).

TOE OF BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

TOTAL SITE SIGNAGE. The maximum permitted combined area of all signs allowed on a specific lot.

TOWNHOUSES. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single-family dwelling unit shall be considered to be a separate building. No single structure shall contain in excess of eight dwelling units, and each dwelling unit shall have separate and individual front and rear entrance.

TRASH HANDLING AND RECYCLING COLLECTION AREA. Areas designated for the accumulation, storage and pick-up of refuse and recyclable material associated with multi-family home sites, civic and institutional uses, office uses, commercial uses, and industrial uses. This definition does not include trash and recycling containers associated with single-family dwellings, or townhome units which do not utilize a communal location for trash and recycling.

TREE, CANOPY. A tree that has an expected height at maturity of 30 feet or more.

TREE, ORNAMENTAL. A small tree that has high visual impact typically grown for the beauty of its foliage and flowers rather than its functional reasons.

TREE, SPECIMEN. Any canopy tree with a DBH of 36 inches or more and any understory or ornamental tree with a DBH of ten inches or more that is not exempted as a specimen tree by this chapter.

TREE, UNDERSTORY. A tree that has an expected height at maturity of no greater than 30 feet.

TREE SAVE AREA. The area around a specimen tree that extends one linear foot around the tree's dripline.

TRASH HANDLING AND RECYCLING COLLECTION AREA. Areas containing large dumpsters or compactors used to temporarily store trash and recycling materials prior to a regularly scheduled pick up. Such facilities are typically associated with multi-family buildings of more than four units, commercial operations and industrial sites.

TRUCK OR FREIGHT TERMINAL. A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. This use includes warehousing and distribution which entails transfer of goods and materials from trucks to a building, where the primary use is the storage of trucks and distribution and vice versa, and may or may not involve repackaging of such goods for transfer. Such use may also entail transfer of full trailers from one truck to another.

TURF-GRASS LAWN COVER. A lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

UNDERSTORY TREE. A tree that has an expected height at maturity of no greater than 30 feet.

UPLAND. Means all lands at an elevation above the ordinary high water mark.

USE. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is

occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

UTILITIES - MAJOR. Major utilities shall include the following:

(1) Public infrastructure services providing regional or community-wide service that have regular employees on site during common working hours, and entail the construction of new buildings or structures such as waste treatment plants, potable water treatment plants, and solid waste facilities.

(2) Commercial wind energy conversion systems (public or private).

(3) Electrical substations.

VARIANCE. The waving by board action of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

VEGETATION. Means the sum total of plant life in some area, or a plant community with distinguishable characteristics.

VEGETATION, NATIVE. Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

VEHICLE, EMERGENCY. For the purpose of evaluating vehicles which may be parked in residential areas, the term emergency vehicle shall include ambulances, police and sheriff's department vehicles, fire protection vehicles, emergency towing vehicles, and other law enforcement vehicles.

VEHICLE, PASSENGER. A vehicle capable of moving under its own power which is licensed and operable for use on public roadways, and shall include the following vehicles: Passenger automobiles, pick-up trucks and sport-utility vehicles of less than 9,000 pounds gross vehicle weight, pick-up trucks and sport-utility vehicles of between 9,000 pounds and 13,000 pounds with no visible commercial messages, commuter vans of a capacity up to 16 persons, and motorcycles.

VEHICLE, RECREATIONAL.

(1) A vehicle that is used primarily for recreational or vacation purposes, and which is licensed and operable for use on public roadways, whether self-propelled, carried on, or towed behind a self-propelled vehicle.

(2) Operable recreational equipment that is not licensed for use on the public roadway, but used off-road, such as all-terrain vehicles, boats, off-road motorcycles, race vehicles, snowmobiles, or similar equipment. Such equipment shall be properly licensed if the State of Minnesota provides for such licensing.

(3) Licensed, operable trailers which may be used to tow recreational equipment, whether such trailers are loaded or unloaded, including utility trailers. Where a trailer is loaded with recreational equipment, such trailer and equipment shall be considered to be one piece of equipment for the purposes of this section.

VEHICLE, LARGE COMMERCIAL. A vehicle used for commercial purposes which is a semi-tractor and/or semi-trailer, dump truck, or any other commercial vehicle that does not qualify under the definition of a "small commercial vehicle".

VEHICLE, SMALL COMMERCIAL. A vehicle used primarily for commercial purposes, including pick-up trucks and sport-utility vehicles larger than 9,000 pounds gross vehicle weight, but less than 13,000 pounds gross vehicle weight which display a commercial business message, and all other commercial vans or trucks, regardless of commercial message which are no greater than any of the following dimensions: 22 feet in length, eight feet in height, and eight and one-half feet in width.

VEHICLE FUEL SALES.

(1) Buildings and premises where dispensing, sale, or offering for sale at retail (or in connection with a private operation where the general public is excluded from use of facilities) of motor fuels, including gasoline, diesel, natural gas, or other petroleum fuels and oils, electric charging stations of more than two such stations, hydrogen, or any other fuel intended to power motor vehicles of any sort, and where in addition, the following services may be rendered and sales made, and other similar related uses:

(a) "Automotive repair - minor" as defined by this chapter;

(b) Retail sales of packaged foods, prepared foods and other convenience goods for station customers, as accessory and incidental to principal operation; and

(c) Provision of restroom facilities, but not including showers.

(2) Uses permissible at a vehicle fuel sales establishment do not include "automobile repair - major" as defined by this chapter, major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. Vehicle fuel sales establishments are intended for the servicing and delivery of goods to passenger vehicles and small commercial vehicles. Facilities for sales to large trucks may be included, but shall not include activities that would constitute uses most commonly found at a truck stop, such as showers, truck washes, truck parking or truck storage for more than temporary periods necessary to purchase and pay for retail goods.

VEHICLE SALES OR RENTAL. Establishments primarily engaged in the retail sale of new and used-in operating condition-automobiles, noncommercial trucks, motor homes, recreational vehicles or farm machinery; including incidental storage, maintenance, and servicing.

VEHICULAR USE AREA LANDSCAPING, INTERIOR. Vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement (see § 153.060(F)).

VEHICULAR USE AREA LANDSCAPING, PERIMETER. Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views (see § 153.0604.1(F)).

VETERINARY FACILITIES - NEIGHBORHOOD. An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery for small household pets only.

VETERINARY FACILITIES - RURAL. An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery for all animals.

VISIBLE. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

WALL. Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

WASTE DISPOSAL AND INCINERATION. A use which focuses on the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

WATER BODY. Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and surrounded by land.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WATERCOURSE. Means a channel or depression through which water flows such as rivers, streams, or creeks and may flow year-round or intermittently.

WATERSHED. The area drained by the natural and artificial drainage system bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

WAYSIDE STAND. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods produced by the operator of the wayside stand; the stand being clearly a secondary use of the premises which does not change the character thereof.

WETLANDS.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, wetlands must:

- (a) Have a predominance of hydric soils;
- (b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

(2) "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of a wetland or the wetland.

(3) Wetlands do include public waters wetlands unless reclassified as shoreland by the commissioner under M.S. § 103G.201, as it may be amended from time to time.

(4) The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined according to Wetlands of the United States, (1971 edition). Both documents are incorporated by reference under part 8420.0112, items A and B. The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

WETLANDS, EXCEPTIONAL QUALITY. Exceptional quality wetlands contain an abundance of different plant species with dominance evenly spread among several species. Such wetlands may support some rare or unusual plant species. Invasive or exotic plant species are either absent or limited to small areas where some disturbance has occurred. This higher level of plant species variety generally provides high wildlife habitat value and may also support rare wildlife species.

The shorelines of exceptional quality wetlands are natural and unaffected by erosion. These wetlands exhibit no evidence of significant man induced water level fluctuation. Exceptional quality wetlands provide excellent water quality protection, high aesthetic quality, and provide excellent opportunities for educational and scientific activities within the community.

WETLANDS, HIGH QUALITY. High quality wetlands are still generally in their natural state and tend to show less evidence of adverse effects of surrounding land uses. Exotic and invasive plant species may be present and species dominance may not be evenly distributed among several species, however, a minimum of 20 different species can be found within the basin. There tends to be little evidence of water level fluctuation due to storms and their shorelines are stable with little evidence of erosion. The combination of these factors result in these wetlands being judged as providing a greater level of water quality protection and significantly better wildlife habitat. They show little if any evidence of human influences and their greater levels of species variety, wildlife habitat and ecological stability results in higher aesthetic quality. These characteristics also offer opportunities for educational or scientific value to the community.

WETLANDS, LOW QUALITY. Wetlands included in this category have been substantially altered by agricultural or urban development that caused over nutrification, soil erosion, sedimentation and water quality degradation. As a result of these factors, these wetlands exhibit low levels of plant species and a related reduction in the quality of wildlife habitat. These wetlands may also tend to exhibit extreme water level fluctuations in response to storms and show evidence of shoreline erosion. While these wetlands do provide for water quality and serve an important role in protecting water quality downstream, the combination of these characteristics cause these wetlands to provide low levels of water quality protection and to have poor aesthetic quality. They often exhibit evidence of significant human influences and they are deemed to be of little educational or scientific value to the community.

WETLANDS, MEDIUM QUALITY. Medium quality wetlands have a slightly higher number of plant species present than low quality wetlands, often with small pockets of indigenous species within larger areas dominated by invasive or exotic species. Their relatively greater species variety results in slightly better wildlife habitat. They exhibit evidence of relatively less fluctuation in water level in response to storms and less evidence of shoreline erosion. As a result of these characteristics, these wetlands provide somewhat better water quality protection. They also exhibit relatively less evidence of human influences and therefore, tend to be of a higher aesthetic quality. These wetlands are still judged to be of limited educational or scientific value to the community.

WETLAND BUFFER. An area of non-disturbed ground cover abutting a wetland left undisturbed to filter sediment, materials, and chemicals.

WHOLESALE SALES. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

WHOLESALE. Any person engaged in the business of selling alcoholic beverages to retail dealers.

WILDLIFE. All free living animals.

WIND ENERGY CONVERSION SYSTEM (WECS). A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WINE. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one half of 1% nor more than 24% alcohol by volume for nonindustrial use.

WRECKER AND TOWING SERVICE. An establishment operated for the purpose of temporary storage onsite of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles top to bottom, or portions of the vehicles are dismantled or removed for sale, it shall be considered a junkyard.

YARD. See § 153.010(B)(3)(a). **YARD** related definitions (e.g. front yard, corner yard, side yard, etc) see section § 153.010(B)(3)(a)7.

(Ord. 780, passed 7-25-2022; Ord. 791, passed 11-14-2022; Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023; Ord. 802, passed - -; Ord. 804, passed 8-14-2023; Ord. 811, passed 10-9-2023; Ord. 812, passed 10-9-2023; Ord. 830, passed 7-22-2024; Ord. 835, passed 11-25-2024)

§ 153.043 RESIDENTIAL BASE ZONING DISTRICTS.

(A) *General purpose.* The residential base zoning districts established in this section are intended to provide a variety of housing options in a comfortable, healthy, safe, and pleasant environment in which to live and recreate at a neighborhood level. More specifically, they are intended to:

- (1) Promote strong residential neighborhoods with a sense of connection to the community;
- (2) Foster citizen involvement in the community, interaction between neighbors and neighborhood oriented support systems;
- (3) Provide a range of housing choices and affordability through varying housing densities, types and designs including accessory dwelling units;
- (4) Seek quality over quantity in new residential growth;
- (5) Maintain a connection to the natural environment by incorporation of natural characteristics into the development setting.

(B) *Standards applicable to all residential base zoning districts.*

(1) *Zero side lot line development.* Residential unit lots containing duplexes or townhouses may be subdivided along the common wall in a "zero lot line" arrangement, provided:

- (a) The combined area of the base lot and individual unit lots contains the required amount of lot area per unit as prescribed elsewhere in this chapter;
- (b) Unit lots shall meet all required setbacks from the boundaries of the base lot;
- (c) Any shared wall facing on a zero side lot line is a structural wall capable of providing protection from fire, noise and visual encroachment.

(2) *Condominiums.* Residential lots of non-single-family structures may be divided for the purpose of condominium ownership provided that:

- (a) The principal structure containing the housing units shall meet the setback distances of the applicable zoning district.
- (b) Each condominium unit shall have the minimum lot area for the type of housing unit and usable open space as specified in the area and building size regulations of this chapter.
- (c) Condominiums shall be designed to meet the International Building Code as adopted in the Monticello City Code.



(C) *Agricultural Open Space District (A-O).* The purpose of the "A-O" Agricultural-Open Space District is to provide suitable areas of the city for the retention and utilization of open space and/or agricultural uses, prevent scattered non-farm uses from developing improperly, and to secure economy in government expenditures for public utilities and service.

- (1) *Lot area* minimum: two acres.
- (2) *Lot width* minimum: 200 feet.

Typical A-O Lot Configuration

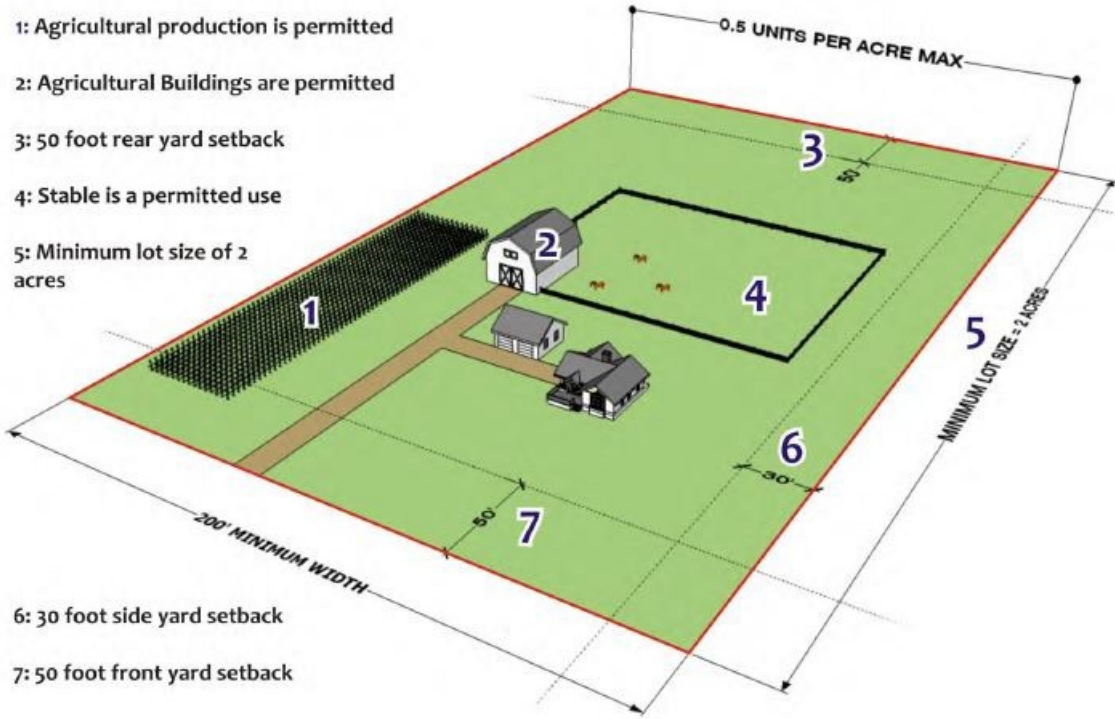


TABLE 3-3: A-O DEVELOPMENT STANDARDS

	<i>Required Yards (in feet)</i>				<i>Max Height (stories/ft.)</i>	<i>Minimum Floor Area (sq. ft.)</i>	<i>Minimum Building Width (ft.)</i>	<i>Minimum Roof Pitch & Soffit (vertical rise/horizontal run)</i>
	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>				
Principal Structures	50	30	30	50	NA	1000	20	NA
Accessory Structures	[1]	6	30	6	15	NA	NA	NA

[1]: Accessory structures shall not be located beyond the front building line established by the principal structure.

- 1: Agricultural production is permitted
- 2: Agricultural Buildings are permitted
- 3: 50 foot rear yard setback
- 4: Stable is a permitted use
- 5: Minimum lot size of 2 acres



- 6: 30 foot side yard setback
- 7: 50 foot front yard setback

(D) *Residential Amenities District (R-A)*. The purpose of the "R-A" Residential Amenities District is to provide move up housing in the form of low density, single-family, detached residential dwelling units and directly related complementary uses in areas of high natural residential amenities including such conditions as woodlands, wetlands, and significant views.

- (1) Base lot area.
 - (a) Minimum: 14,000 sq. ft.
 - (b) Average: 16,000 sq. ft. (at least 40% of lots created through subdivision shall exceed 15,000 sq. ft. in size).
- (2) Base lot width.
 - (a) Minimum: 90 ft.
 - (b) Average: 100 ft. (at least 40% of lots created through subdivision shall exceed 100 ft. in width).

Typical R-A Lot Configuration

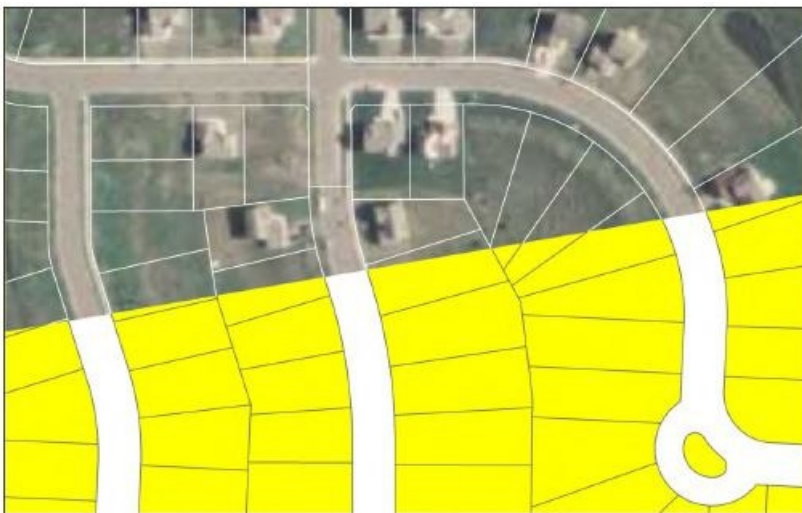


TABLE 3-4: R-A DEVELOPMENT STANDARDS

	Required Yards (in feet)				Max Height (stories/f t.)	Minimum Floor Area (sq. ft.)	Minimum Building Width (ft.)	Minimum Roof Pitch & Soffit (vertical rise/horizontal run)
	Front	Interior Side	Street Side	Rear				
Single- Family Building	35	10 [1]	20	30 [2]	2.5 stories 35 feet	Minimum foundation sizes by home type [3] 2000 finishable [4]	24	6 in./12 in. no minimum soffit [5]

[1]: For interior lots in R-1 and R-A districts, attached accessory uses shall be setback no less than 6 feet from the side yard property line, provided that the sum of both side yard setbacks shall be a minimum of 20 feet.

[2]: The required rear yard shall consist of a space at least 30-feet in depth across the entire width of the lot that is exclusive of wetlands, ponds, or slopes greater than 12%.

[3]: 2,400 square foot gross floor area excluding a basement or cellar for two story homes and a 1,600 square foot foundation for multi-level, rambler and split entry homes.

[4]: Finishable square footage is exclusive of required attached garage floor area.

[5]: Roof gables, shed roofs, dormers and porch roofs to allow for a lower pitch to incorporate as an architectural feature, provided no such exempted roof areas shall comprise any more than 20% of the total horizontal roof area of a single-family structure as measured from a bird's-eye plan view.

Accessory Structures and Uses	<ul style="list-style-type: none"> - An attached garage shall be included with all principal residential structures in the R-A district. - See § 153.092(B) for all general standards and limitations on accessory structures. - The minimum floor area for the required attached garage shall be 700 sq. ft. - No portion of any garage space may be more than five feet closer to the street than the front building line of the principal use (including porch). - See footnote [1] above as related to setbacks for attached accessory uses on interior lots.
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Other Regulations to Consult (not all inclusive)	<ul style="list-style-type: none"> - § 153.042, Common District Requirements - § 153.043(B), Standards Applicable to All Residential Base Zoning Districts - § 153.070, Building Materials - § 153.067, Off-Street Parking - § 153.060, Landscaping and Screening Standards
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1: 14,000 SF minimum lot size

2: Detached accessory structure meeting the side street setback (20') and rear yard setback (6')

3: Base density of 2.7 units per acre with lots averaging 16,000 SF in size

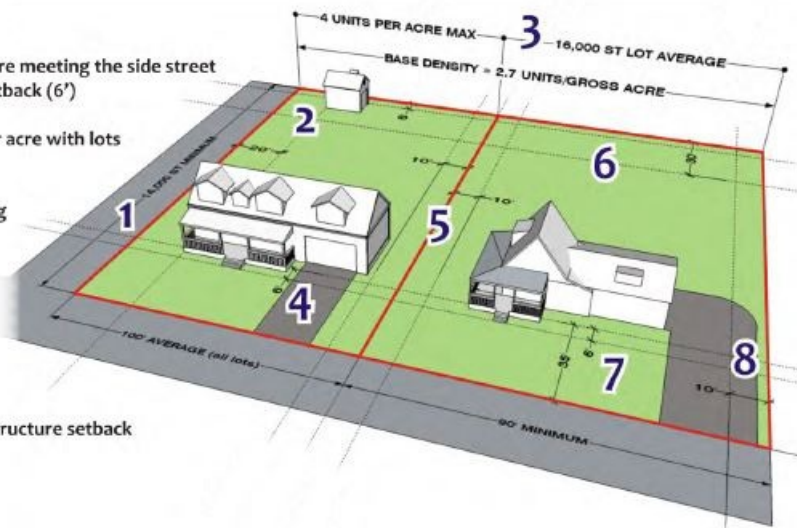
4: Single Family home meeting front yard setback (35') with appurtenance (porch) not extending more than 6' into the setback

5: 10 foot interior side yard setbacks

6: 30 foot rear yard primary structure setback

7: 35 foot front yard setback

8: 10 foot side yard setback



(E) *Single-Family Residential District (R- 1)*. The purpose of the "R- 1" Single-Family Residential District is to provide for low density, single-family, detached residential dwelling units and directly related complementary uses.

(1) Base lot area.

(a) Minimum: 10,000 sq. ft.

(b) Average: 12,000 sq. ft. (at least 40% of lots created through subdivision shall exceed 12,000 sq. ft. in size).

(2) Base lot width.

(a) Minimum: 70 ft.

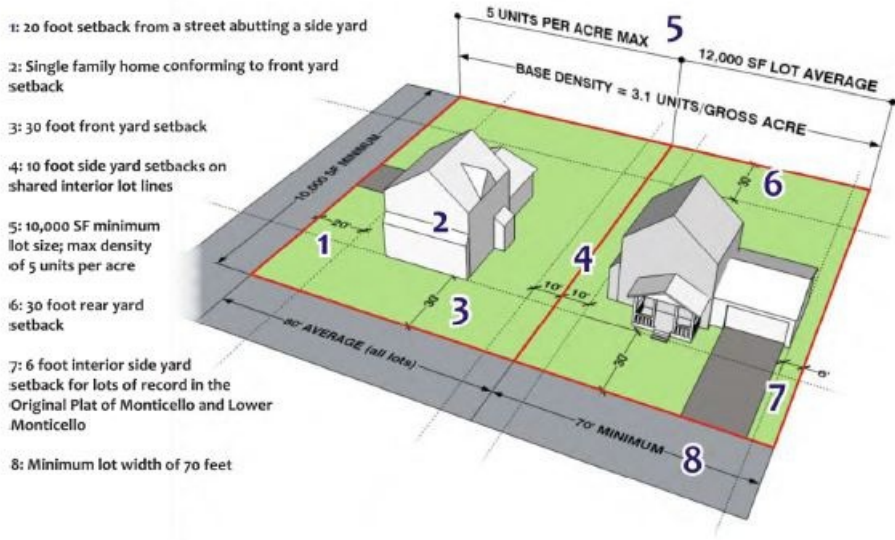
(b) Average: 80 ft. (at least 40% of lots created through subdivision shall exceed 80 ft. in width).

Typical R-1 Lot Configuration



TABLE 3-5: R-1 DEVELOPMENT STANDARDS

	<i>Required Yards (in feet)</i>				<i>Max Height (stories/ft.)</i>	<i>Minimum Floor Area (sq. ft.)</i>	<i>Minimum Building Width (ft.)</i>	<i>Minimum Roof Pitch & Soffit (vertical rise/horizontal run)</i>
	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>				
Single- Family Building	30	10 [1] and [2]	20	30	2.5 stories 35 feet	1,050 foundation/ 2,000 finishable [4]	24	5 in./12 in. no minimum soffit [5]
	<p>[1]: For interior lots in R-1 and R-A districts, attached accessory uses shall be setback no less than 6 feet from the side yard property line, provided that the sum of both side yard setbacks shall be a minimum of 20 feet.</p> <p>[2]: Interior side yard setbacks for single-family homes on lots of record with a lot width 66 feet or less in the Original Plat of Monticello and Lower Monticello shall be at least six feet.</p> <p>[3]: The required rear yard shall consist of a space at least 30-feet in depth across the entire width of the lot that is exclusive of wetlands, ponds, or slopes greater than 12%.</p> <p>[4]: Finishable square footage is exclusive of required attached garage floor area.</p> <p>[5]: Roof gables, shed roofs, dormers and porch roofs to allow for a lower pitch to incorporate as an architectural feature, provided no such exempted roof areas shall comprise any more than 20% of the total horizontal roof area of a single-family structure as measured from a bird's-eye plan view.</p>							
Accessory Structures and Uses	<ul style="list-style-type: none"> - An attached garage shall be included with all principal residential structures in the R-1 district. - See § 153.092(B) for all general standards and limitations on accessory structures. - The minimum floor area for the required attached garage shall be 550 sq. ft. - See footnote [1] above as related to setbacks for attached accessory uses on interior lots. 							
Other Regulations to Consult (not all inclusive)	<ul style="list-style-type: none"> - § 153.042, Common District Requirements - § 153.043(B), Standards Applicable to All Residential Base Zoning Districts - § 153.070, Building Materials - § 153.067, Off-Street Parking - § 153.060, Landscaping and Screening Standards 							



(F) *Single and Two-Family Residential District (R-2)*. The purpose of the "R-2" Single and Two-Family Residential District is to provide for low to moderate density one and two unit dwellings and directly related complementary uses.

(1) *Base density.*

Unit Type	Minimum Lot Area/Unit
Single-family	10,000 sq. ft.
Duplex/two-family	7,000 sq. ft.
Townhome*	7,000 sq. ft.
Multi-family (3-4 units)*	5,500 sq. ft.

*By conditional use permit only. See also multi-family dwelling unit standards.

(3) *Minimum lot width.*

	R-2 District	Original Plat
Lot Width	80 ft.	66 ft.

Typical R-2 Lot Configuration



	Required Yards (in feet)	Max Height	Minimum Floor Area	Minimum Finished Floor	Minimum Building Width	Minimum Pitch & Soffit
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	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>	<i>(stories / ft.)</i>	<i>(sq. ft.)</i>	<i>Area (sq. ft.)</i> [3]	<i>(ft.)</i>	<i>(vertical rise/ horizontal run)</i>
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TABLE 3-6: R-2 DEVELOPMENT STANDARDS

	<i>Required Yards (in feet)</i>				<i>Max Height (stories / ft.)</i>	<i>Minimum Floor Area (sq. ft.)</i>	<i>Minimum Finished Floor Area (sq. ft.)</i> [3]	<i>Minimum Building Width (ft.)</i>	<i>Minimum Pitch & Soffit (vertical rise/ horizontal run)</i>
	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>					
Single- Family	30	10 [1] and [2]	20	30	2.5 stories 35 feet	1,050 foundation / 1,800 finishable [3]	Minimum finished square footage must be equivalent to the principal use unit foundation size	24	5 in./12 in. no minimum soffit [4]
Duplex	30	10 [2]	20	30	2.5 stories 35 feet	1,050 foundation		24	
Townhouse Multi- family Building	30	10	20	30	2.5 stories 35 feet	1,400 finishable		24	

[1]: For the Original Plat of Monticello and Lower Monticello, where adjacent structures (excluding accessory buildings within same block) have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure.

[2]: Interior side yard setbacks for single-family homes on lots of record with a lot width 66 feet or less in the Original Plat of Monticello and Lower Monticello shall be at least six feet.

[3]: Finishable and finished square footage is exclusive of required attached garage floor area

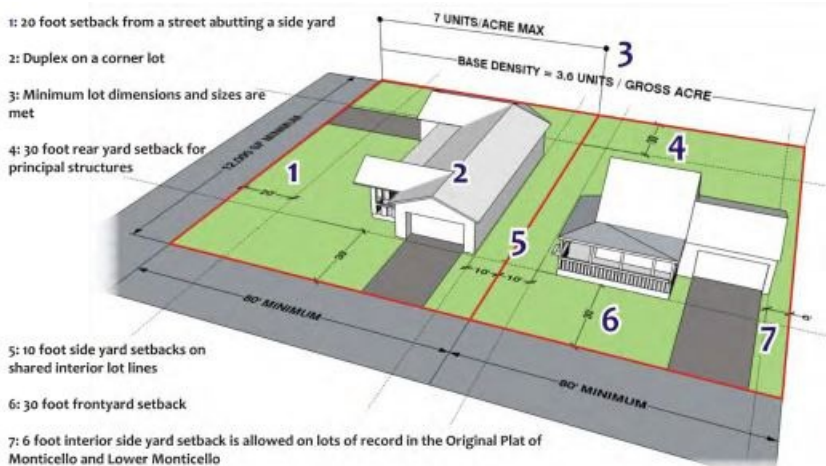
[4]: Roof gables, shed roofs, dormers and porch roofs to allow for a lower pitch to incorporate as an architectural feature, provided no such exempted roof areas shall comprise any more than 20% of the total horizontal roof area of a structure as measured from a bird's eye plan view.

Accessory Structures and Uses

- An attached garage shall be included with all principal residential structures in the R-1 district.
- See § 153.092(B) for all general standards and limitations on accessory structures.
- The minimum floor area for all required attached garages shall be 450 sq. ft.
- No portion of any attached garage may be more than 10 feet closer to the street than the principal structure.
- Except for single-family buildings, any driveway leading directly to an attached garage may not exceed 18" in width at the front yard property line.

Other Regulations to Consult (not all inclusive)

- § 153.042, Common District Requirements
- § 153.043(B), Standards Applicable to All Residential Base Zoning Districts
- § 153.070, Building Materials
- § 153.067, Off-Street Parking
- § 153.060, Landscaping and Screening Standards



(G) *Traditional Neighborhood Residential District (T- N)*. The purpose of the "T-N" Traditional Neighborhood Residential District is to provide for medium density, single-family, detached residential dwelling units and directly related

complementary uses.

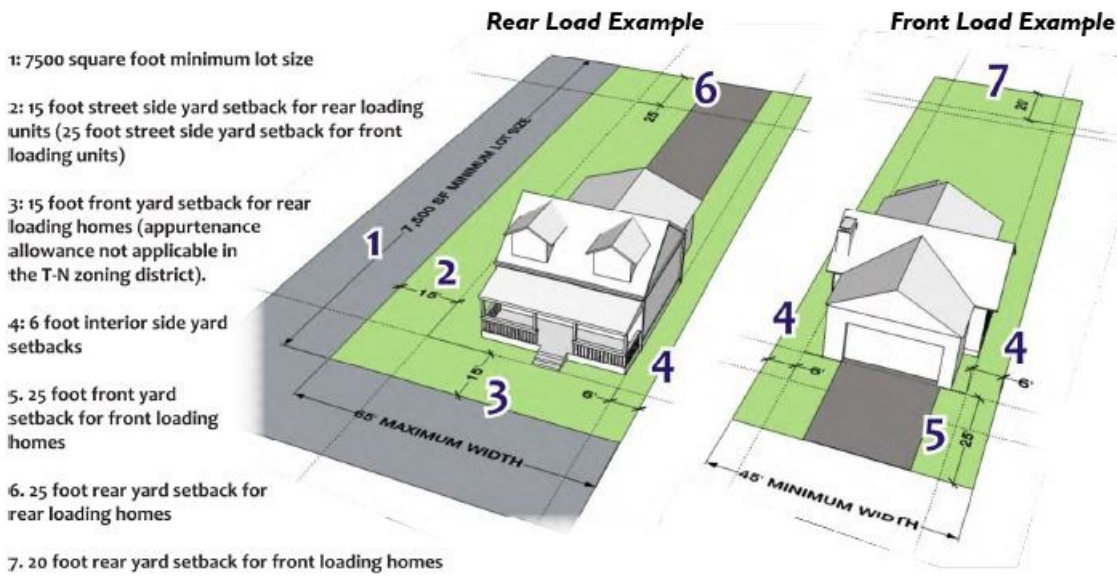
- (1) Minimum lot area: 5,500 sq. ft.
- (2) Minimum lot width: 55 ft.
- (3) Minimum lot depth: 100 ft.

Typical T-N Lot Configuration



TABLE 3-7: T-N DEVELOPMENT STANDARDS

	Required Yards (in feet)				Max Height (stories/ft.)	Minimum Floor Area (sq. ft.)	Minimum Building Width (ft.)	Minimum Pitch & Soffit (vertical rise/horizontal run)
	Front [1]	Interior Side	Street Side	Rear				
TABLE 3-7: T-N DEVELOPMENT STANDARDS								
	Required Yards (in feet)				Max Height (stories/ft.)	Minimum Floor Area (sq. ft.)	Minimum Building Width (ft.)	Minimum Pitch & Soffit (vertical rise/horizontal run)
	Front [1]	Interior Side	Street Side	Rear				
Single-Family Building	25[1]	10	20	30 [2]	2.5 stories 35 feet	1,050 foundation/ 2,000 finishable [2]	24	5 in./12 in. no minimum soffit [5]
	<p>[1]: The minimum width of the dimension of the principal building living area across the front building line shall be no less than 12 ft., which may include a usable porch of at least 6 ft. in depth. The maximum building line of the attached garage may be no more than 20 ft. across the front building line.</p> <p>[2]: Finishable square footage is exclusive of required attached accessory space garage floor area.</p>							
Accessory Structures and Uses	<ul style="list-style-type: none"> - An attached garage shall be included with all principal residential structures in the T-N district. - See § 153.092(B) for all general standards and limitations on accessory structures. - The minimum floor area for the required attached garage shall be 480 sq. ft. - For front-loaded attached garages, no portion of any garage space may be more than five feet closer to the street than the front building line of the principal use (including porch). - No private driveway leading to an accessory structure may exceed 24 ft. in width at the front yard property line. Driveways shall be offset and separated to maximize on-street parking capacity. 							
Other Regulations to Consult (not all inclusive)	<ul style="list-style-type: none"> - § 153.042, Common District Requirements - § 153.043(B), Standards Applicable to All Residential Base Zoning Districts - § 153.070, Building Materials - § 153.067, Off-Street Parking - § 153.060, Landscaping and Screening Standards 							



(H) *Medium Density Residence District (R-3)*. The purpose of the “R-3” Medium Density Residential District is to provide for medium density housing in multiple-family structures ranging up to and including 12 units and directly related, complementary uses.

- (1) Base lot area.
 - (a) Minimum townhouse: 20,000 sq. ft.
 - (b) Minimum multi-family: 30,000 sq. ft.
- (2) Base lot width. Minimum: 80 ft.

Typical R-3 Lot Configuration



TABLE 3-8: R-3 DEVELOPMENT STANDARDS

<i>PUD Options for Multi-Family Buildings</i>	<i>R-3 District Townhouse (4-10 units/building)</i>	<i>R-3 District Multi-Family (5-12 units/building)</i>
TABLE 3-8: R-3 DEVELOPMENT STANDARDS		
<i>PUD Options for Multi-Family Buildings</i>	<i>R-3 District Townhouse (4-10 units/building)</i>	<i>R-3 District Multi-Family (5-12 units/building)</i>
Base Lot Area (minimum)	20,000 sf.	30,000 sf.
Base Lot Width (minimum)	80 ft.	80 ft.
Gross Density	3-7 du/acre	8-12 du/acre
Max Density w/o PUD	4.0 du/acre	8.5 du/acre
Net lot area per du	4,500 sf/du, maximum	3,500 sf/du, maximum
Front setback	30 feet	40 feet

Corner side setback	25 feet	30 feet
Interior side setback	20 feet	20 feet
Rear setback to building	30 feet	40 feet
Clear open space setback from ROW	25 feet	30 feet
Clear open space setback from Property Line	10 feet	30 feet
Buffer Req. to Single-Family	B buffer	B buffer
Common open space per du	NA	500 sf/du
Landscaping	16 ACI/acre +2 shrubs per 10 feet bldg. perimeter	16 ACI/acre +2 shrubs per 10 feet bldg. perimeter
Parking requirements	1.2 spaces/bedroom, with 1 space/bedroom enclosed	1.2 spaces/bedroom, with 1 space/bedroom enclosed
Architecture	20% street min frontage covered with enhanced materials	20% street min frontage covered with enhanced materials
Roofs	5:12 pitch or roofline or building line articulation, including flat and/or varied rooflines, parapets, canopies or other similar features which increase architectural interest and variability.	5:12 pitch or roofline or building line articulation, including flat and/or varied rooflines, parapets, canopies or other similar features which increase architectural interest and variability.
Unit square feet	1,000 sf. finished floor area per unit, minimum	Average 1,000 sf. finished floor area per unit, minimum
Garages	Attached	Enclosed, may be detached

TABLE 3-8: R-3 DEVELOPMENT STANDARDS

<i>PUD Options for Multi-Family Buildings</i>	<i>R-3 District Townhouse (4-10 units/building)</i>	<i>R-3 District Multi-Family (5 -12 units/building)</i>
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TABLE 3-8: R-3 DEVELOPMENT STANDARDS

<i>PUD Options for Multi-Family Buildings</i>	<i>R-3 District Townhouse (4-10 units/building)</i>	<i>R-3 District Multi-Family (5 -12 units/building)</i>
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Garage Setback	30 feet from ROW (35 feet from curb of private street)	May not access street directly – must be served by interior driveway
Garage Doors	Maximum 16 feet width facing street. No smooth panel doors.	No smooth panel doors – detached buildings must match principal building materials and include architectural fenestration on sides facing residentially zoned property or public right-of-way
Landscaping	Special landscape features including water features, recreational structures, patios, etc.	Increased landscape quantities and/or Sizes beyond code minimums; Special landscape features including water features, recreational structures, patios, etc.
Open Space	--	Increased open space areas per unit beyond code minimums of 10% or more
Parking	--	All required garage parking attached to principal building
Building Materials	Increased use of stone, brick beyond front, or on other exterior walls	Increased use of stone, brick beyond front, or on other exterior walls
Architecture	Extensive use of ornamental features, building and/or roofline articulation, fenestration and building wall undulation atypical of other buildings in similar zoning districts	Extensive use of ornamental features, building and/or roofline articulation, fenestration and building wall undulation atypical of other buildings in similar zoning districts
Site Work	Use of decorative paving materials in parking, sidewalks, etc.; Extensive use of ornamental site lighting or similar features.	Use of decorative paving materials in parking, sidewalks, etc.; Extensive use of ornamental site lighting or similar features.

Housing for Seniors restricted to 55 years of age or more

Accommodations to design and density through PUD process only

Accommodations to design and density through PUD process only

1: 20 foot setback from a street side yard

2: The four units in this example are located on four separate "unit lots" (outlined in blue) which are located on one base lot (outlined in red).

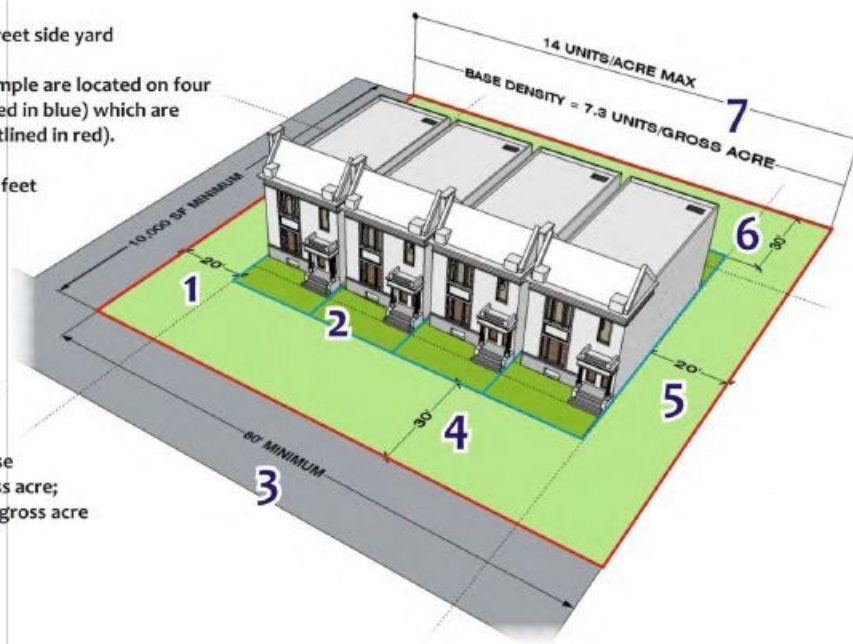
3: Minimum lot width of 80 feet

4: 30 foot front yard setback

5: 20 foot interior side yard setback

6: 30 foot rear yard setback

7: 10,000 square foot minimum lot size with a base density of 7.3 units per gross acre; max density of 14 units per gross acre



(I) *Medium-High Density Residence District (R-4)*. The purpose of the "R-4", Medium- High Density Residential District is to provide for medium to high density housing in multiple- family structures of 13 or more units per building, and at densities of between ten and 25 units per acre. The district is intended to establish higher density residential opportunities in areas appropriate for such housing, to be determined by the city on a case by case basis. This district is intended to provide exclusively multiple-family housing as defined in this chapter, as opposed to lower density housing types such as townhouses, two-family homes, or single family homes. The City of Monticello shall zone land to the R-4 District only when, in its sole discretion, all aspects of the property support the potential uses of the R-4 District, including location, private and public services, and compatibility with existing and future land uses in the area. In making a determination as to the suitability of a site for R-4 rezoning, the city will prioritize the following site and area factors:

(1) *Replacement land uses*. R-4 zoning fits the following zoning categories and circumstances:

(a) Land already zoned for R-3 Medium Density Residential District.

(b) Land currently zoned for commercial uses, but which would not be considered "prime" commercial and critical to "Successful Commercial Centers and Corridors" consistent with the City's 2040 Vision + Plan.

(2) *Proximity to other residential neighborhoods*.

(a) R-4 zoning may be allowed in proximity to other medium to high density residential areas, however the nature and concentration of existing multi-family structures shall be carefully considered to avoid an over concentration of these uses.

(b) R-4 zoning may be allowed in proximity to lower residential uses, if it is determined that the high density site can address the site and area factors provided here.

(3) *Architectural compatibility and building massing*.

(a) In the vicinity of lower density residential areas, R-4 District buildings need to be lower profile with regards to size and mass, or need to be screened or buffered by distance and natural features.

(4) *Requirement for adequate public facilities*. High density residential development shall be located to provide for the following essential services and amenities:

(a) Access to public parks, pathways, and open space, without overburdening them. R-4 development may be required to provide additional facilities to meet the city's open space planning policies.

(b) Connection to public utilities.

(c) Access to major streets, or at the very minimum, avoidance of traffic generation that would utilize local streets in lower density residential areas.

(d) Proximity to commercial and/or medical services.

(5) Minimum and maximum density: ten units minimum – 25 dwelling units maximum per acre.

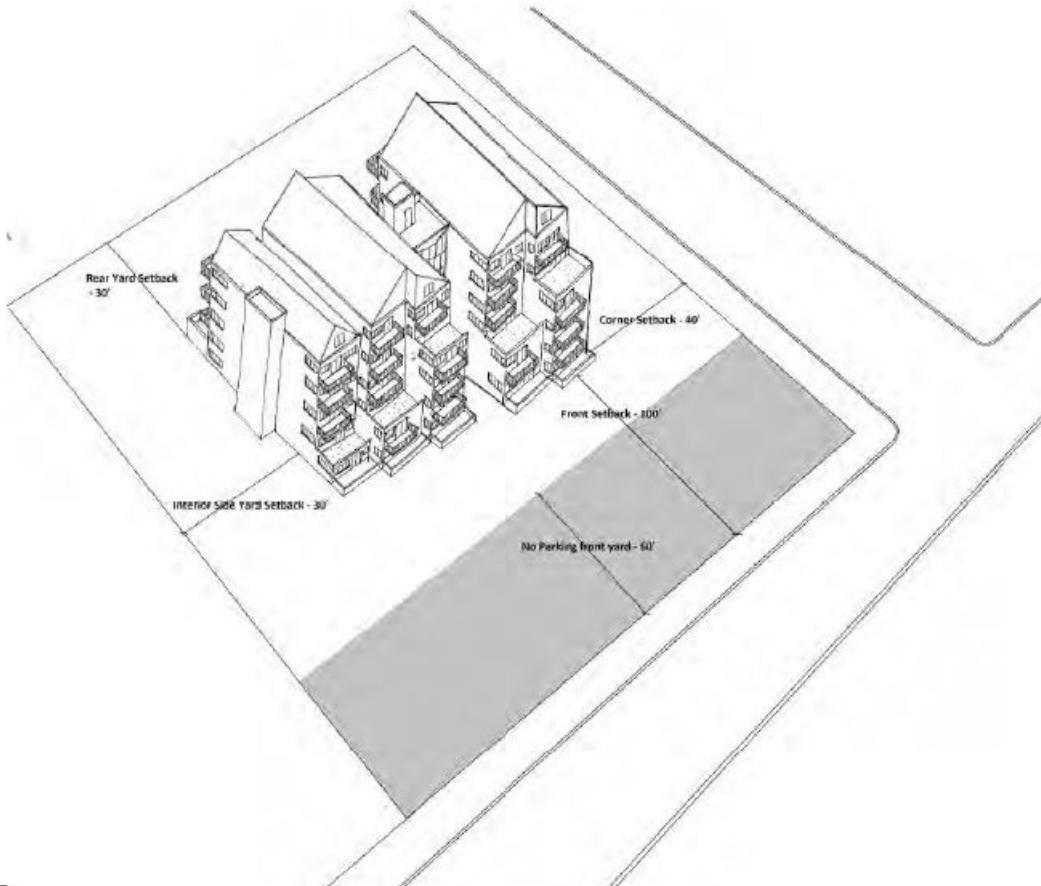
TABLE 3-9: R-4 DEVELOPMENT STANDARDS

TABLE 3-9: R-4 DEVELOPMENT STANDARDS

<i>PUD Options for Multi-Family Buildings</i>	<i>R-4 District Multi-Family (13+ units/building)</i>
Base Lot Area	30,000 sf.
Gross Density	10-25 du/acre
Max Density w/o PUD	NA
Net lot area per du	Max 1,750 sf/du
Front setback	100 feet
Corner side setback	40 feet
Interior side setback	30 feet
Rear setback to building	40 feet
Clear open space setback from ROW	60 feet
Clear open space setback from Property Line	40 feet - no more than 50% of any yard facing a street covered with parking/drive aisles
Buffer Req. to Single-family	C buffer
Common open space per du	500 sf/du
Landscaping	2 ACI/ 2,500 sf. open space + 4 shrubs /10 feet bldg. perimeter
Parking requirements	1.2 spaces/bedroom, with max 1.1 space/du uncovered
Architecture	20% street min frontage covered with enhanced materials, horizontal siding of steel or cement-board only (no vinyl or aluminum)
Roofs	5:12 pitch, plus roof ridge line articulation of 3 feet min. or roofline or building line articulation, including flat and/or varied rooflines, parapets, canopies or other similar features which increase architectural interest and variability.
Unit square feet	800 sf. minimum finished floor area per unit average, with no more than 10% of the units as studio units
Garages	Attached or Underground Detached accessory garages allowed only after base requirements are met; requires authorization through Conditional Use Permit
Garage Setback	May not access street directly – must be served by interior driveway
Garage Doors	Must include glass and decorative panels if visible from public street or adjoining residentially zoned property
Landscaping	Increased landscape quantities and/or sizes beyond code minimums; Special landscape features including water features, recreational structures, patios, etc
Open Space	Increased open space areas per unit beyond code minimums of 10% or more
Parking	All required garage parking underground
Building Materials	Increased use of stone, brick beyond front, or on other exterior walls
Architecture	Extensive use of ornamental features, building and/or roofline articulation, fenestration and building wall undulation atypical of other buildings in similar zoning districts
Site Work	Use of decorative paving materials in parking, sidewalks, etc.; Extensive use of ornamental site lighting or similar features.

Housing for Seniors restricted to 55 years of age or more

Accommodations to design and density through PUD process only



(J) *Mobile and Manufactured Home Park District (M-H)*. The purpose of the “M-H” manufactured home park district is to provide for manufactured home users and directly related uses.

- (1) Base density: 4,000 sq ft per unit (10.9 units per gross acre).
- (2) Base lot area. Minimum: 5 acres.
- (3) Base lot width. Minimum: 200 ft.

Typical M-H Lot Configuration

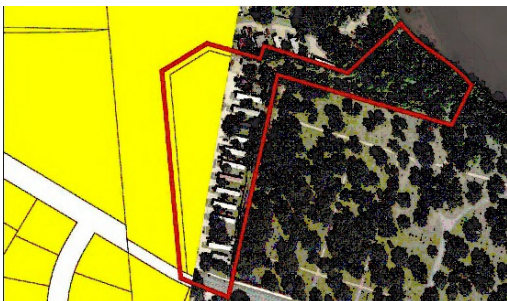
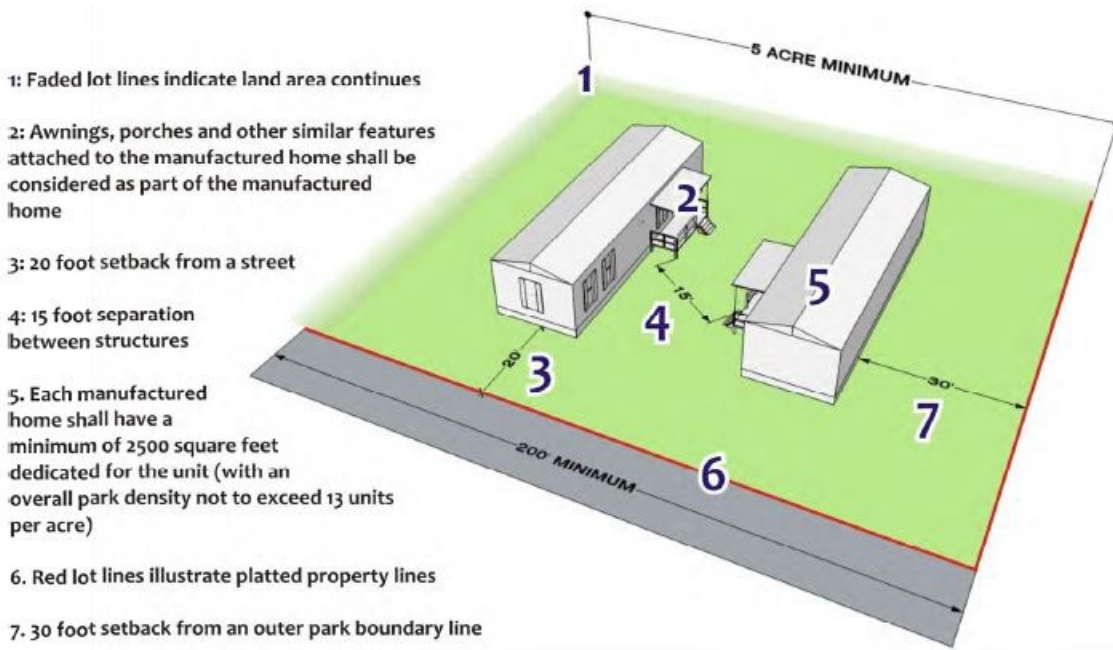


TABLE 3-10: M-H DEVELOPMENT STANDARDS				
Required Yards (in feet)	Max Height (stories/	Minimum Floor Area	Minimum Building Width (ft.)	Minimum Roof Pitch & Soffit (vertical rise/horizontal

	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>	<i>ft.)</i>	<i>(sq. ft.)</i>	<i>run)</i>
Manufactured Home Building	See § 153.091(C)(4) for all regulations governing manufactured home parks						
Detached Accessory Structures							



(Ord. 799, passed 2-27-2023; Ord. 806, passed 8-14-2023)

§ 153.070 BUILDING MATERIALS.

(A) *Purpose.* The purpose of these regulations is to enhance the quality and longevity of buildings in all zoning districts of the city, and to protect citizen investments in property value by ensuring complementary building style, construction, and appearance.

(B) *General requirements.*

(1) *Consistency required.* In all districts, all buildings shall be finished on all sides with consistent architectural quality, materials, and design.

(2) *New materials.* In recognition of the ever-changing marketplace for new finishing materials, the Community Development Department may authorize the use of materials not listed herein if it is determined that such a material is substantially similar or superior to one or more of the approved building materials.

(C) *Residential district requirements.*

(1) *All residence districts.* No metal siding shall be permitted wider than 12 inches or without a one-half inch or more overlap and relief.

(2) *R-1 and R-2 Districts.* A minimum of 15% of the front building façade of any structure in the R-1 or R-2 Districts, less the square footage area of windows and garage doors, shall be covered with brick or stone. Any attached or major detached accessory building that can be seen from the street shall meet this same standard when consistent with the principal structure. Structures with front facades covered by at least 70% stucco or real wood may reduce the brick or stone coverage to 5%. The Planning Commission may approve optional facade treatments prior to building permit through site plan review when additional architectural detailing so warrants. Such detailing may include usable front porches, extraordinary roof pitch or other features.

(3) *R-A and T-N Districts.* A minimum of 20% of the front building façade of any structure in the R-A or T-N zoning district, less the square footage area of windows and garage doors, shall be covered with brick or stone. Any attached or major detached accessory building that can be seen from the street shall meet this same standard when consistent with the principal structure. Structures with front facades covered by at least 70% stucco or real wood may reduce the brick or stone coverage to 10%.

(4) *R-3 District and other districts with multiple-family housing.* The R-3 and R-4 District and other districts with multiple-family housing shall be subject to building material standards as follows:

(a) All building walls facing a public street shall be covered with stone, brick, cultured masonry simulating brick or stone, or other enhanced materials to an extent not less than 20% of the exposed wall silhouette area; and

(b) Multiple-family structures of 13 or more units shall, when using lap horizontal siding, be constructed of heavy gauge steel or cement-board, with no use of vinyl or aluminum permitted. Natural wood or species that is resistant to decay may be permitted.

(5) *Roofing materials.* Roofing materials in residential districts, including for principal and accessory buildings, shall consist of shingles made of asphalt, fiberglass, durable rot-resistant wood (such as cedar), stone (such as slate) or architectural metal (including steel and copper). Heavy gauge steel or copper may be used for standing-seam roofing. Steel may be used only when designed to resemble traditional residential architectural roofing materials.

(D) *Business district requirements.* In all Business Zoning Districts (see table 3-1), the following building materials standards shall apply.

(1) No galvanized or unfinished steel, galvalum, or unfinished aluminum buildings, except those specifically designed to have a corrosive designed finish such as "corten" steel, shall be permitted in the districts listed herein.

(2) Buildings in these zoning districts shall maintain a high standard of architectural and aesthetic compatibility with conforming surrounding properties to ensure that they will not adversely impact the property values of the abutting properties and shall have a positive impact on the public health, safety, and general welfare, insofar as practicable.

(3) Exterior building finishes in the districts subject to this section shall consist of materials compatible in grade and quality to the following:

(a) Brick.

(b) Natural stone.

(c) Decorative rock face or concrete block.

(d) Cast-in-place concrete or pre-cast concrete panels.

(e) Wood, provided that the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, or cypress.

(f) Glass.

(g) Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section.

(h) Stucco.

(4) Metal exterior finishes shall be permitted only where coordinated into the overall architectural design of the structure, such as in window and door frames, mansard roofs or parapets, and other similar features, and in no case shall constitute more than 15% of the total exterior finish of the building.

(5) *Metal roofing.* Metal shall be an allowed roofing material in the "B", Business Districts, provided such material is designed to resemble traditional commercial architecture and/or is designed to complement the architectural design of the building.

(6) *Building materials and design for the CCD District.* All buildings within the CCD shall meet the materials and design standards of the Comprehensive Plan as defined by the Downtown Monticello Small Area Plan Amendment, the requirements of the CCD District, as well as the standards in § 153.070 for Business District requirements. In the case of a conflict between these standards, the stricter of the standards shall be applied.

(E) *Industrial requirements.*

(1) In the Industrial and Business Campus District (IBC), the following building materials and standards shall apply:

(a) Buildings shall maintain a high standard of architectural and aesthetic compatibility with conforming surrounding properties to ensure that they will not adversely impact the property values of the abutting properties and shall have a positive impact on the public health, safety, and general welfare, insofar as practicable.

(b) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;

2. Natural stone;

3. Decorative rock face block or burnished block;

4. Wood, provided that the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, or cypress;

5. Glass;

6. Stucco or substantially similar finish product;

7. Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;

8. Cast in place concrete or pre-cast concrete panels.

(d) Metal exterior finishes shall be permitted only where coordinated into the overall architectural design of the structure, such as in window and door frames, mansard roofs or parapets, and other similar features, and in no case shall constitute more than 15% of the total exterior finish of the building.

(e) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 15% of the facade area, combination of glass and architectural metals, or a wall plane articulation across 15% of the facade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(2) In the Light Industrial District (I-1), the following building material standards shall apply:

(a) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.

(b) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 25% of the façade area, combination of glass and architectural metals, or a wall plane articulation across 25% of the façade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;

2. Natural stone;

3. Decorative rock face block or burnished block;

4. Glass;

5. Stucco or substantially similar finish product;

6. Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;

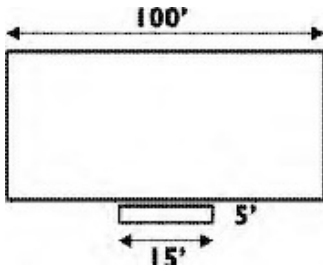
7. Cast in place concrete or pre-cast concrete panels;

8. Textured finishes on metal panels to simulate stucco or other similar treatments;

9. Commercial-grade siding made of cement board, composition board, or other durable material, not including vinyl.

(3) In the Heavy Industrial (I-2) districts, the following building material standards shall apply:

(a) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.



(b) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 15% of the façade area, combination of glass and architectural metals, or a wall plane articulation across 15% of the façade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;

2. Natural stone;

3. Decorative rock face block or burnished block;

4. Glass;

5. Stucco or substantially similar finish product;

6. Exterior Insulated Finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;

7. Cast in place concrete or pre-cast concrete panels;

8. Textured finishes on metal panels to simulate stucco or other similar treatments;

9. Commercial-grade siding made of cement board, composition board, or other durable material, not including vinyl.

(F) *Institutional requirements.* All institutional uses shall adhere to the building materials requirements spelled out for commercial districts in § 153.070(D) above.

(Ord. 791, passed 11-14-2022; Ord. 799, passed 2-27-2023)

§ 153.090 USE TABLE.

(A) *Explanation of use table structure.*

(1) *Organization of Table 5-1.* Table 5-1 organizes all principal uses by use classifications and use types.

(a) *Use classifications.* The use classifications are: agricultural uses; residential uses; civic and institutional uses; commercial uses; and industrial uses. The use classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential and commercial uses). The use classifications then organize land uses and activities into specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

(b) *Use types.* The specific use types identify the specific uses that are considered to fall within characteristics identified in the use classifications. For example; detached dwellings, parks and recreational areas, and schools are “use types” in the Single-family Residence District.

(2) *Symbols used in Table 5-1.*

(a) *Permitted Uses = P.* A “P” indicates that a use is permitted by right, subject to compliance with all other applicable provisions of this chapter. Uses may be subject to special regulations as referenced in the “additional requirements” column.

(b) *Conditionally Permitted Uses = C.* A “C” indicates that a use is permitted provided the city can establish conditions necessary to ensure the use is compatible to the proposed location and surrounding properties. Inability of the city to establish conditions to adequately control anticipated impacts is justification for denial of a conditionally permitted use. Conditional uses may also be subject to special regulations as referenced in the “additional requirements” column.

(c) *Interim Permitted Uses = I.* An “I” indicates that a use may be permitted for a brief period of time provided certain conditions are met, and a specific event or date can be established for discontinuance of the use. Inability of the city to establish conditions to adequately control anticipated impacts is justification for denial of an interim permitted use. Interim permitted uses may also be subject to special regulations as referenced in the “additional requirements” column.

(d) *Prohibited Uses = Shaded cells.* A shaded cell indicates that the listed use is prohibited in the respective base zoning district.

(e) *Uses not provided for within zoning districts.* In any zoning district, whenever a proposed use is neither specifically allowed nor denied, the use will be considered prohibited in which case an amendment to the ordinance text would be required to clarify if, where and how a proposed use could be established.

TABLE 5-1: USES BY DISTRICT																				
Use Types “P” = Permitted “C” = Conditionally Permitted “I” = Interim Permitted	Base Zoning Districts																Additional Requirements			
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2		
TABLE 5-1: USES BY DISTRICT																				
Use Types “P” = Permitted “C” = Conditionally Permitted “I” = Interim Permitted	Base Zoning Districts																Additional Requirements			
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2		
Agricultural Uses																				
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	§ 153.091 (B) (1)
Agricultural Sales	P																			§ 153.091 (B) (2)
Community Gardens	P	P	P	P	P	P	P	P	P											§ 153.091 (B) (3)
Stables	C																			§ 153.091 (B) (4)
Residential Uses																				
Attached Dwelling Types																				§ 153.091 (C) (2)(a)

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

Commercial Uses																		
Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements	
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2
Animal kennel/boarding (commercial)	C																C	§ 153.091(E) (17)
Event center										C	C	C						§ 153.091(E)14
Financial institution										P	P	P						§ 153.091(E) (15)
Funeral services										P		P						§ 153.091(E) (16)
Landscaping/nursery business	P																	§ 153.091(E) (18)
Offices, commercial and professional services										P	P	P	P		P	P	P	§ 153.091(E) (20)
Personal services										C	P	P	P					§ 153.091(E) (22)
Production brewery or micro-distillery without taproom																P	P	§ 153.091(F) (12)
Production brewery or micro-distillery with taproom or cocktail room												C	C		C	C	C	§ 153.091(E) (23) § 153.091(F) (13)
Recreational vehicle camp site	C																	§ 153.091(E) (24)
Repair establishment										C	P		P			P	P	§ 153.091(E) (25)
Restaurants											C	P	P		C			§ 153.091(E) (26)

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

"C" = Conditionally Permitted "I" = Interim Permitted	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	
	Commercial Uses																	
Retail commercial uses (other) buildings less than 10,000 sq. ft.										P	P	P						§ 153.091(E)(27)
Retail commercial uses (other) buildings over 10,000 sq. ft.										C	P	P						§ 153.091(E)(27)
Retail service										P	P	P						§ 153.048
Specialty eating establishments									C	P	P	P						§ 153.091(E)(28)
Vehicle fuel sales										C	C	C						§ 153.091(E)(29)
Vehicle sales and rental											C			See Table 5-1A	See Ordinance No.			§ 153.091(E)(30)
Veterinary facilities (rural)	C																	
Veterinary facilities (neighborhood)										C	C	C						§ 153.091(E)(31)
Wholesale sales															P	P	P	None
Industrial Uses																		
Auto repair - major											C					P	P	§ 153.091(F)(1)
Bulk fuel sales and storage																	C	§ 153.091(F)(2)

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																	Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																	Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

Industrial Uses																			
Contractor's yard, temporary																I	I	I	§ 153.091(F)(4)
Extractive use	I										I	I					I	I	§ 153.091(F)(5)
General warehousing															C	P	P	§ 153.091(F)(6)	
Heavy manufacturing																	C	§ 153.091(F)(7)	
Industrial services																C	P	None	

Industrial self-storage facilities																	C	C	§ 153.091(F)(8)
Land reclamation	C	C	C	C	C	C	C	C	C	C	C	C	C				C	C	§ 153.091(F)(9)
Light manufacturing																	P	P	§ 153.091(F)(10)
Machinery/truck repair and sales																		C	§ 153.091(F)(11)
Recycling and salvage center																		C	§ 153.091(F)(14)
Truck or freight terminal																		C	§ 153.091(F)(15)
Waste disposal and incineration																		C	§ 153.091(F)(16)
Wrecker and towing services													C					P	§ 153.091(F)(17)

TABLE 5-1A: CENTRAL COMMUNITY DISTRICT (CCD) USES SUB-AREA

	<i>Riverfront (A)</i>	<i>Broadway (B)</i>	<i>Walnut & Cedar (C)</i>	<i>Pine (D)</i>	<i>General CCD</i>	<i>Notes</i>
<i>Use Types</i>	<i>Entertainment and open space, supported by retail</i>	<i>Retail, supported by entertainment; housing 2nd</i>	<i>Retail, supported by housing and services</i>	<i>Office, large space retail users, and retail service</i>	<i>Housing, supported by limited retail and services</i>	

TABLE 5-1A: CENTRAL COMMUNITY DISTRICT (CCD) USES SUB-AREA

	<i>Riverfront (A)</i>	<i>Broadway (B)</i>	<i>Walnut & Cedar (C)</i>	<i>Pine (D)</i>	<i>General CCD</i>	<i>Notes</i>
<i>Use Types</i>	<i>Entertainment and open space, supported by retail</i>	<i>Retail, supported by entertainment; housing 2nd</i>	<i>Retail, supported by housing and services</i>	<i>Office, large space retail users, and retail service</i>	<i>Housing, supported by limited retail and services</i>	

Additional use requirements applicable per § 153.091

Uses:

Residential Uses

Single- family		P*			CUP	*Upper floors only
Multi 3 du or under		P*	CUP*		P	*Upper floors only
Townhouse	CUP	CUP*	CUP		P	*Townhouses on Broadway east of Pine only
Multi 4-12 du	CUP	CUP	CUP		CUP	
Multi 13+ du	CUP	CUP	CUP	CUP	CUP	
Ground floor		CUP*	P		P	*Allowed on ground floor for townhouses on Broadway east of Pine

Commercial

Brew Pub <10,000 sq. ft.	P	P	P	P		
Brew Pub >10,000 sq. ft.	CUP	P	CUP	P		
Commercial Day Care			CUP	CUP	P	
Commercial Lodging	P	CUP	CUP	P		

TABLE 5-1C: CANNABIS BUSINESS USES

Use Types "N" = Not Allowed "P" = Permitted "C" = Conditional "I" = Interim "A" = Administrative	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	
Commercial Uses																	
Cannabis retailer	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
A O	RA	R 1	R 2	T N	R 3	R 4	B 1	B 2	B3	B4	CCD	PCD	IBC	I 1	I 2		
Commercial Uses																	
Cannabis microbusiness - retail location only	N	N	N	N	N	N	N	N	N	P/C*	P/C*	N	N	N	N	N	§ 153.091(E)(3 3) *CUP required for on-site consumption CUP
Cannabis mezzobusiness - retail location only	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Medical cannabis retailer	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Medical cannabis combination business - retail location only	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Lower-potency hemp edible retailer	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Temporary cannabis event	N	N	N	N	N	N	N	N	N	A	A	N	N	N	N	N	§ 153.093(E)(1 2) §§ 96.21 - 96.25
Industrial Uses																	
Cannabis cultivator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis manufacturer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis microbusiness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis mezzobusiness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis wholesaler	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis transporter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis testing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis delivery service	N	N	N	N	N	N	N	N	N	C*	C*	N	N	N	C	P	§ 153.091(F)(1 9) *Accessory only to licensed cannabis or lower-potency hemp retail in B-3 or B-4
Medical cannabis processor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Medical cannabis combination business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)

Lower-potency hemp edible manufacturer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(19)
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(Ord. 762, passed 8-23-2021; Ord. 780, passed 7-25-2022; Ord. 791, passed 11-14-2022; Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023; Ord. 804, passed 8-14-2023; Ord. 830, passed 7-22-2024; Ord. 835, passed 11-25-2024)

§ 153.091 USE-SPECIFIC STANDARDS.

(A) *General regulations applicable to all uses.*

(1) *Combination uses.* In commercial and industrial base zoning districts, combination uses may be allowed within the principal building with each use subject to all regulations in this chapter.

(2) *Nuisances prohibited.* In addition to any nuisance provisions within city code, the following shall apply:

(a) *Refuse and garbage.*

1. In all districts, all refuse, rubbish, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such a purpose.

2. The owner of vacant land shall be responsible for keeping the land free of refuse, rubbish, or garbage.

(b) *Glare.*

1. Any lighting used to illuminate off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets.

2. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

3. The source of lights shall be hooded or controlled in some manner so as not to cast light on adjacent property.

4. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

5. Any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the center line of said street.

6. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

(c) *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

(d) *Dust and other particulated matter.* The emission of dust, fly ash, or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

(e) *Noise.* Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules. In no case shall noise emanations constitute a nuisance as defined and regulated by this code.

(3) *Building and structure location.* All buildings and structures shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.

(4) *Cannabis-related businesses.*

(a) *Findings and purpose.*

1. The City of Monticello (hereinafter "city") makes the following legislative findings: The purpose of this division is to implement the provisions of M.S. Ch. 342, as amended from time to time, which authorizes the city to protect the public health, safety, welfare of city residents by regulating cannabis businesses within the legal boundaries of city.

2. The city finds and concludes that the proposed provisions are appropriate and lawful land use regulations for city, 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.

(b) *Authority and jurisdiction.* The city has the authority to adopt this division pursuant to:

1. M.S. § 342.13(c), as amended from time to time, 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. M.S. § 342.22, as amended from time to time, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses, subject to any Joint Powers Agreement with Wright County which explicitly supersedes these regulations.

3. M.S. § 152.0263, subd. 5, as amended from time to time, regarding the use of cannabis in public places.

4. M.S. § 462.357, as amended from time to time, regarding the authority of a local authority to adopt zoning ordinances.

(c) Any cannabis-related business or lower-potency hemp edible business licensed by the State of Minnesota under M.S. Ch. 342, as amended from time to time, shall be subject to the following requirements, in addition to any specific standards in this section, and other reasonable regulations required as a condition of any zoning permit issued for such

uses.

1. No cannabis-related business use shall operate outside of the hours of operation established by M.S. Ch. 342, as amended from time to time, or those established by the city, whichever is more restrictive.
2. No cannabis-related business use shall operate or occur on property used for residential purpose.
3. No cannabis-related business use shall create odors that are detectable beyond the property lines of such use.
4. The facility shall display its state-issued license on the interior of the facility, visible to the public, at all times.
5. No person or facility shall dispose of cannabis or cannabis-containing products in an unsecured waste receptacle not in possession and control of the licensee and designed to prohibit unauthorized access.
6. All cultivation, processing, storage, display, sales or other distribution of cannabis shall occur within an enclosed building and shall not be visible from the exterior of the building.
7. Outdoor storage is prohibited for all cannabis-related uses.
8. Cannabis-related business uses shall comply with the city's sign regulations.
9. Cannabis-related business uses shall comply with all other applicable standards of the Monticello Zoning Ordinance and city code.
10. *Buffers.* No cannabis-related business use shall be located closer to any property occupied by any of the following uses, measured as a horizontal distance from the closest point of the property on which the cannabis business is located to the closest point of the property occupied by:

- a. School: 1,000 feet.

- b. Daycare: 500 feet from any day care facility that is located in a zoning district where cannabis businesses are not allowed. This buffer shall not apply to day care facilities that are located in a zoning district in which a cannabis business is allowed.

- c. Residential treatment facility: 500 feet.

- d. Public park: 500 feet from attractions within a public park regularly used by minors. Public parks included shall be as identified in the city's most currently adopted park system or master plan. This buffer shall not apply to sidewalks or trails, or other public lands.

(B) *Regulations for agricultural uses.*

(1) *Agriculture.*

- (a) Agricultural related buildings and structures including farm dwellings shall be subject to Minnesota Pollution Control Standards.

- (b) Agricultural uses shall not include commercial feed lots or other commercial operations.

- (c) The keeping and/or raising of livestock raising shall be prohibited in all zoning districts except for the A-O District.

(2) *Agricultural sales.* All agricultural sales businesses shall adhere to the following:

- (a) Activities shall be limited to those listed within the definition for an agricultural sales business.

- (b) The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business, and not within or on any public rights-of-way or easements.

- (c) The operator must be able to demonstrate at all times to the city that there is sufficient access, parking and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.

- (d) All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.

- (e) All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.

(3) *Community garden.*

- (a) Prior to a parcel being utilized as a community garden, the landowner shall be required to secure an annual community garden permit from the Community Development Department.

- (b) Each community garden must have two or more gardeners as a prerequisite for obtaining a permit to ensure code and permit guidelines are followed.

- (c) Unused plots and common areas shall be maintained and kept free of weeds, dead plant materials, and other debris/garbage.

- (d) Containers, including water bins, and planters, shall not hold standing water unless they are completely covered.
- (e) Composting of vegetative matter is allowed (leaves, plants, wood chips, etc.); composting of meat, human or pet waste is prohibited.
- (f) Overhead lighting is prohibited.
- (g) Signage is limited to a single, non-illuminated, single sided sign of four square feet.

(4) *Stables.*

- (a) Animal building, holding, grazing, and exercise areas are located a minimum of 1,000 feet from any residential, commercial, or industrial use district.
- (b) The land area of the property containing such use of activity meets the minimum established for the district.
- (c) All applicable requirements of the State Pollution Control Agency are complied with.

(C) *Regulations for residential uses.*

(1) *General regulations for all dwellings.* All dwellings located in any residence district shall conform to the following minimum requirements in addition to the specific requirements applicable to the individual residence districts:

(a) Except for in the M-H zoning district, all dwellings shall be placed on a permanent foundation which complies with the Minnesota State Building Code, and which are solid for the complete circumference of the dwelling.

(b) All dwellings shall have a minimum width and depth of 20 feet, exclusive of porches, entryways, or attached storage sheds.

(c) All dwellings shall be served by public sanitary sewer and water.

(d) Direct vehicular access to residential units from arterial or collector roadways shall be prohibited unless no other reasonable alternative exists as determined by the Community Development Department.

(e) In addition to standards applicable to all houses in residential districts, manufactured homes, as defined by Minnesota Statutes, shall be built in compliance with the Minnesota Manufactured Homes Building Code and all statutory requirements (see M.S. §§ 327.31 through 327.35, as they may be amended from time to time, on manufactured homes).

(f) No cellar, basement, garage, tent, trailer, motor vehicle or accessory building shall at any time be used as an independent residence or dwelling unit, either temporarily or permanently. Tents, play houses or similar structures may be used for play or recreational purposes.

(g) Except for dwellings classified as elderly (senior citizen) housing, the minimum floor area per dwelling unit shall be as prescribed in individual zoning district regulations.

(h) Apartment and condominium dwelling units shall only be located in multiple-family buildings or in buildings within the CCD district as regulated by this chapter.

(2) *Attached dwelling.*

(a) *Regulations applicable to all attached dwelling types.*

1. *Size of development.* All attached dwelling developments that contain more than two structures with dwelling units and/or having a structure containing more than ten dwelling units shall require a conditional use permit.

2. *Usable open space.* Except for mixed use projects in the CCD District, each multiple-family dwelling site or townhouse site shall contain at least 500 square feet of usable open space for each dwelling unit contained thereon, or a minimum of 30% green space, whichever is greater. For the purposes of this chapter, green space shall include lawn, shrubs, trees, or other planted open space usable for gardens, shade, or recreation and shall not include planted areas between parking areas or sidewalks and parking areas which are less than ten feet in width, nor shall it include any part of the public right-of-way, delineated wetland(s), or required stormwater ponding areas below the ten-year flood elevation.

(b) *Duplex and two-family dwellings.*

1. A minimum of two off-street parking spaces per unit shall be provided within an enclosed garage of at least 400 square feet.

2. All driveways and required off-street parking spaces shall be surfaced with concrete, bituminous or approved equivalent.

3. Legal nonconforming single-family dwellings located within R-3 Zoning Districts may be converted to duplex dwellings by conditional use permit where environmental conditions on the property support preservation of trees, drainage patterns, or other related features.

(c) *Townhouse.*

1. No building shall contain more than eight dwelling units.

2. Each dwelling unit shall have separate and individual front and rear entrances.

3. Private driveways for garages in townhouse developments shall provide a minimum of 20 feet worth of parking space which does not interfere with the use of public sidewalks or trails.

4. Setbacks:

a. Buildings in townhouse developments shall be located at least 20 feet apart and 20 feet from the back of the curb of a private roadway.

b. The applicable setbacks required in the underlying zoning district shall be met along the perimeter lot lines of the development and along all public roadways.

(d) *Multiple-family.*

1. Development of a multiple-family building shall be compatible with the existing and planned land use of the area and conflicts shall not be created between commercial and residential use and activities.

2. If in the R-2 district, multiple-family buildings shall be limited to four dwelling units.

3. If in the B-2 District, multiple-family buildings shall be adequately served by a collector or arterial street.

4. If in the B-1, B-2 or CCD district, multiple-family units shall be in the form of apartments or condominiums located above the first floor of the building, unless otherwise authorized to be on the first floor by a conditional use permit meeting the following additional standards:

a. The proposed site for residential use is consistent with the goals and objectives of the City's Comprehensive Plan and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

b. The proposed site does not interrupt the flow of commercial pedestrian traffic in the "CCD" district.

c. Density for ground floor residential units shall not exceed one unit per 9,000 square feet of lot area, exclusive of land area utilized by, or required for, permitted uses on the property.

5. Multiple-family housing in the R-3, B-1, B-2 or CCD zoning districts shall be subject to the requirements found in Table 3-8 of § 153.043.

6. Multiple-family housing in the R-4 zoning district shall be subject to the requirements found in Table 3-9 of § 153.043.

(3) *Group residential facility.*

(a) Licensed day care facilities qualifying as group residential facilities shall adhere to the following:

1. No overnight facilities are provided for the children served. Children are delivered and removed daily.

2. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

(b) *Group residential facility, multi-family.*

1. Group residential facility, multi-family shall require authorization through a conditional use permit following the provisions of § 153.028(D), subject to the following conditions:

a. Density of residents shall equal no more than one person per 520 square feet of total net livable area in the principal dwelling.

b. Living accommodations for on-site resident staff shall be deducted from the principal dwelling square footage for purposes of determining density in division (1) above.

c. The property shall be developed to provide two off-street parking spaces for staff and one space per three residents for visitors.

d. Parking areas shall be paved with concrete or bituminous surface, and shall meet all other standards of parking lot design in this chapter, with the exception that the use shall be exempt from curb requirements.

e. The property shall maintain a minimum of 30% landscaped green space based on the gross area of the property.

f. The building shall be designed and constructed to be consistent with the architectural character of the neighborhood in which it is located.

(4) *Manufactured homes/manufactured home park.*

(a) *Manufactured homes in general.* All manufactured homes within the City of Monticello shall be built in conformance with the manufactured home building code and comply with all provisions of this chapter.

(b) *Manufactured home parks.* Development of new manufactured home parks shall be encouraged to use the planned unit development (PUD) process to allow the city to vary or modify the strict application and requirements for manufactured home parks to more readily accommodate this type of development. However, absent development through a PUD, the following requirements shall apply:

1. In general:
 - a. The minimum total manufactured home park area shall be five acres.
 - b. Each designated manufactured home site shall not be less than 2,500 sf.
 - c. Notwithstanding the type of development concept used, the maximum density shall be 13 manufactured homes per acre.
 - d. Manufactured homes shall be the only permitted dwelling type in a manufactured home park.
 - e. No tents shall be used for other than recreational purposes in a manufactured home park.
 - f. There shall be no outdoor camping anywhere in a manufactured home park.
 - g. Laundry and clothing shall be hung out to dry only on lines located in Council approved areas established and maintained exclusively for that purpose.
 - h. Adequate storm shelters for all residents of the manufactured home park shall be provided on-site.
 - i. No part of any manufactured home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
 - j. All manufactured homes must be securely anchored in a manner which meets shoreland district requirements (if within a shoreland district) and applicable state requirements for resisting wind forces.
2. Grading, drainage and groundcover:
 - a. Condition of soil, ground water level, drainage, topography shall not create hazards to the property or the health and safety of the occupants.
 - b. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - c. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screening or other solid material, or protected with a grass that is capable of preventing soil erosion and of eliminating objectionable dust.
 - d. No portion of a manufactured home park shall be subject to unpredictable or sudden flooding.
3. Setbacks and lot requirements:
 - a. Manufactured homes shall be separated from each other and from other buildings and structures by at least 15 feet.
 - b. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has an opaque top or roof, shall, for purposes of all separation requirements, be considered to be part of the manufactured home. However, applicable building code separation requirements shall still apply as applicable.
 - c. There shall be a minimum distance of twenty feet between the manufactured home stand and abutting park street.
 - d. All manufactured homes, off-street parking spaces, and structures shall be located at least thirty feet from any property boundary line abutting upon a public street or highway and at least thirty feet from other property boundary lines.
 - e. Each manufactured home site shall have frontage on an approved roadway and the corner of each manufactured home site shall be marked and each site shall be numbered.
 - f. Dedicated storage area(s) and building(s) shall be for the sole use of the residents of the manufactured home park and are not available for use by non-residents.
4. Screening and open space:
 - a. All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs, trees along the property boundary line separating the park and such uses, and shall be maintained by the state license holder in a neat and orderly manner.
 - b. A minimum of 2,000 sf. for every acre, or part thereof, in a manufactured home park shall be provided for definable play areas and open space. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than twenty feet in length or width.
5. *Parking*. Each manufactured home site shall be served by two off-street parking spaces for automobiles.
6. Utilities:
 - a. All manufactured homes shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health.
 - b. All installations for disposal of surface stormwater must be approved by the city.

c. All utility connections shall be as approved by the city.

d. The source of fuel for cooking, heating, or other purposes at each manufactured home site shall be as approved by the city.

e. All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.

g. The method of garbage, waste, and trash disposal must be approved by the city.

h. Owner shall pay any required sewer and connection fees to the city.

7. Lighting:

a. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and the like.

b. The manufactured home park ground shall be lighted as approved by the city from sunset to sunrise.

8. Accessory structures:

a. Accessory storage buildings serving the overall park and not an individual unit in manufactured home parks, if not reviewed and approved as part of a PUD, shall be conditionally permitted subject to the following additional requirements:

(i) The storage building and any accompanying outdoor storage area shall be for the sole use of the residents of the manufactured home park and shall not be used by non-residents.

(ii) Accompanying outdoor storage areas shall be fully screened from surrounding manufactured home units and adjacent properties.

b. For individual residential units within a mobile or manufactured home park, the following standards shall apply:

(i) Only one detached accessory structure, major or minor, shall be allowed.

(ii) The maximum area of a detached accessory structure shall be 300 square feet.

(iii) The maximum height of the structure shall be 15 feet as measured at the median height of the roof.

(iv) The detached accessory structure may not be located between the front line of the residential unit and the park access road.

(v) Such structure shall be located five feet from any other structure.

(vi) The location of accessory structures shall be permitted only with the permission of the manufactured home park owner.

(vii) Detached accessory structures exceeding 300 square feet shall require authorization through conditional use permit, which shall be subject to the following requirements:

A. Permission of the park owner.

B. Detached accessory structure shall have access to the park road.

C. No other detached accessory structure shall be permitted.

D. The maximum height of the structure shall be 15 feet as measured at the median height of the roof.

(D) *Regulations for civic and institutional uses.*

(1) *Active park facilities – private.* Private park facilities must be operated only for the enjoyment and convenience of the associated residents and their guests.

(2) *Assisted living facilities.*

(a) The development must be contained on an single parcel; 30% of the parcel must be preserved as open space at least two-thirds of which shall be useable.

(b) To continue to qualify for the senior citizen housing classification, the owner or agent shall annually file with the Community Development Department a certified copy of a monthly resume of occupants of such a multiple dwelling, listing the number of tenants by age.

(c) One off-street loading space shall be provided in compliance with §153.068, Off-Street Loading Spaces.

(d) Elevator service shall be provided to each floor level which contains senior housing units.

(e) Efficiency units shall be a minimum floor area of 440 square feet, and shall not exceed 20% of the total number of

apartments in a multiple dwelling, or the maximum established in the district, whichever is less.

- (f) One bedroom units shall be a minimum floor area of 520 square feet.

(3) *Cemeteries.*

- (a) New cemeteries shall be located on a site or parcel with an area of at least two and one-half acres.
- (b) New cemeteries shall be located on a site or parcel that fronts an arterial or collector street.
- (c) Cemeteries shall include adequate space for the parking and maneuvering of funeral processions.
- (d) Interments shall take place at least 50 feet from any lot line.
- (e) Cemeteries shall not be located within one-half mile of Interstate Highway 94.

(4) *Hospitals.* A hospital shall:

- (a) Be located on a site of at least five acres.
- (b) Be located on a parcel that fronts or has direct access to an arterial or collector street.
- (c) Be served by public water and wastewater systems.
- (d) Side yards shall be double the minimum requirements established for the applicable district.
- (e) When abutting a residential use in a residential use district, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with §153.060(G).
- (f) Adequate off-street parking and access is provided in compliance with §153.067 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with § 153.060(F).
- (g) Adequate off-street loading and service entrances are considered and satisfactorily provided in accordance with § 153.068.
- (h) Exterior lighting standards outlined in § 153.063 shall be met.

(5) *Nursing or convalescent home.*

- (a) Side yards shall be double the minimum requirements established for the applicable district.
- (b) When abutting a residential use in a residential use district, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with §153.060(G).
- (c) One off-street loading space in compliance with §153.067 is installed.

(6) *Places of public assembly.*

- (a) Institutions on parcels exceeding 20,000 square feet in area shall be located with direct frontage on, and access to, a collector or arterial street.
- (b) The buildings are set back from adjoining residential districts a distance no less than double the adjoining residential setback.
- (c) When abutting a residential use in a residential use district, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with §153.060(G).
- (d) Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with § 153.067 of this chapter and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with § 153.060(F).
- (e) Adequate off-street loading and service entrances are considered and satisfactorily provided.
- (f) Public assembly in the B-3 District:
 1. Shall only be allowed on properties of ten acres in size or more, except that the city may consider such uses on smaller properties by interim use permit, subject to the following requirements:
 - a. The applicant for an IUP would enter into a development agreement specifying the duration of the IUP, with a time limitation.
 - b. The applicant would be able to demonstrate that the interim occupancy would not interfere with other commercial uses of the property, either in the nature of the use, the times of operation, or demand for services, such as parking or other impacts.
 - c. The IUP would expire upon the end of the specified term, or when the applicant vacates the property, and would not be transferable to another similar public assembly use.
 - d. Changes in scope or nature of the proposed use, operation, or other elements would require amendment to the IUP and the development contract, or a new IUP, depending on the change.

e. No such IUP, subsequent amendment, or reapplication may result in a duration of the subject use for more than ten years of cumulative and continuous occupancy.

2. Public assembly uses in the B-3 District must occupy buildings of at least 20,000 gross square feet of area.

3. Public assembly uses in the B-3 District shall provide off-street parking areas that are designed to meet their unique traffic patterns and parking accumulation ratios. For the B-3 district, the requirement shall be one parking space per two and one-half seats in the main assembly area, based on the building code calculation for maximum occupancy.

4. Proposed public assembly applications in the B-3 District will be required to provide a traffic study demonstrating peak traffic periods, and the ability to manage traffic loads without negatively impacting the adjoining public streets. Private and/or public street improvements may be required to ensure no negative impacts.

5. CUP applications for public assembly uses in the B-3 District will require the identification of the principal use, and those other uses of the subject property that are proposed as accessory uses. All such uses must be allowed in the B-3 District.

(g) In the CCD, the following conditions shall apply:

1. Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

2. Site planning shall minimize parking lot development adjacent to public area in the district, including streets, pathways, and open spaces.

(7) Public buildings or uses:

(a) When abutting a residential use in a residential use district, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with §153.060(G).

(b) Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.

(c) Adequate off-street parking and access is provided on the site or on lots directly abutting the principal use in compliance with § 153.067 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with § 153.060(F).

(d) Adequate off-street loading and service entrances are considered and satisfactorily provided in accordance with § 153.068.

(e) Exterior lighting standards outlined in §153.063 shall be met.

(8) *Public warehousing, temporary.*

(a) The use shall be allowed by interim use permit, with a termination date of no later than five years from the date of approval.

(b) The interim use shall apply to public storage of equipment only, and shall not apply to any private entity, either during or after the term of the permit.

(c) The use, if not allowed as a permitted principal use, may be a "secondary use" allowed on the property, separate and unrelated to the principal use.

(d) The use shall occupy indoor storage only, in one or more existing buildings, and shall not include outdoor storage.

(e) The use shall otherwise meet all zoning and building code standards.

(f) The use shall not interfere with other permitted, conforming private uses of the property, nor with the provision of public services to the property or the neighborhood in which it is located.

(g) No signage shall be allowed identifying the use, other than permitted directional signage on the property.

(9) Pre-K-12 schools (public or private):

(a) Educational institutions on parcels exceeding 20,000 square feet in area shall be located with direct frontage on, and access to, a collector or arterial street.

(b) The buildings are set back from adjoining residential districts a distance no less than double the adjoining residential setback.

(c) When abutting a residential use in a residential use district, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with §153.060(G).

(d) Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with § 153.067 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with § 153.060(F).

(e) Adequate off-street loading and service entrances are considered and satisfactorily provided in accordance with §

153.068.

(f) Exterior lighting standards outlined in § 153.063 shall be met.

(g) If locating within an industrial zoning district:

1. A specified termination date is documented.

2. The proposed parcel has adequate improved parking to accommodate the student capacity.

3. The proposed building is constructed or altered only in ways which do not interfere with future refitting for industrial use.

(h) Buildings and structures must comply with building code requirements as adopted by the City of Monticello.

(10) *Utilities (major).*

(a) An electrical power facility, substation, or transmission station as a principal use of property shall be set back at least 100 feet from all lot lines. Service or storage yards shall be prohibited.

(b) All commercial WECS systems shall adhere to the requirements of § 153.071.

(E) *Regulations for commercial uses.*

(1) *Adult uses: See § 153.046(T).*

(2) *Auction house.*

(a) The architectural appearance and function plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

(b) When abutting a residential use, the property shall be screened with at least a semi-opaque buffer (Table 4-2, Buffer Type "C") in accordance with § 153.060(G).

(c) Parking areas shall be landscaped and screened from view in compliance with § 153.060(F).

(d) Off-street parking shall comply with § 153.067.

(e) Vehicular access points shall be limited, shall create a minimum of conflict through traffic movements, and shall be subject to the approval of the Community Development Department.

(f) All lighting shall be in compliance with § 153.063.

(g) The entire area shall have a drainage system which is subject to the approval of the Community Development Department.

(h) All signing and information or visual communication devices shall be in compliance with § 153.064.

(i) The use shall require authorization through a conditional use permit following the provisions of § 153.028(D).

(j) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

(k) No pets or livestock may be sold at this auction sales facility.

(l) Provisions must be made to control and reduce noise when adjacent to a residential zoning district.

(m) All outside storage and outdoor sales and display, if allowed, shall be effectively screened from public view in accordance with § 153.060(I) and limited to 10% of the gross floor area of the principal use building.

(3) *Auto repair – minor.*

(a) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

(b) Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25% of the buildable area of the lot, is located behind the front building line of the principal structure, and is screened with a wooden fence, maintenance free vinyl or masonry wall in accordance with § 153.062, Fences & Walls.

(c) If gasoline is sold on-site, the use shall also comply with the standards for vehicle fuel sales as regulated by this chapter.

(d) Vehicles not being repaired but used as a source of parts shall be prohibited unless full enclosed within a building.

(e) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates

steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(f) When abutting a residential use, the property shall be screened with at least a semi-opaque buffer in accordance with (Table 4-2, Buffer Type "C") in accordance with §153.060(G).

(4) *Automotive wash facilities.*

(a) All automotive wash facilities shall adhere to the following standards:

1. The architectural appearance and functional plan of the building and site shall be consistent with the existing buildings and area to avoid impairment in property values and blight within a reasonable distance of the lot.
2. Magazinging or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and shall be subject to the approval of the Community Development Department.
3. When abutting a residential use, the property shall be screened with at least a semi-opaque buffer (Table 4-2, Buffer Type "C") in accordance with § 153.060(G).
4. All lighting shall be in compliance with §153.063.
5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with § 153.060(F).
6. The entire area other than occupied by the buildings or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the Community Development Department.
7. The entire area shall have a drainage system which is subject to the approval of the Community Development Department.
8. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the Community Development Department.
9. All signing and informational or visual communication devices shall be in compliance with §153.064.
10. Provisions are made to control and reduce noise.
11. Car wash facility shall have direct access to major thoroughfare via driveway or frontage road.
12. Intermittent sounds produced by car wash operation such as the sound of a vacuum or warning signal shall not be audible to adjoining residential properties.

(5) *Bed and breakfast facilities.*

- (a) Bed and breakfast operations shall be limited to residential structures existing prior to the date of this chapter.
- (b) The property shall be landscaped with at least a basic buffer (Table 4-2, Buffer Type "A") in accordance with § 153.060(G).
- (c) Food served on the premises may be served only to overnight guests of the bed and breakfast.
- (d) The owner, operator, or manager of the bed and breakfast shall reside on the premises.
- (e) Activities shall be limited to those customary to the operation of a bed and breakfast facility. Commercial use of the property for other activities not normally associated with the operation of a bed and breakfast such as wedding receptions, parties, etc., are not allowed.
- (f) Operation of the bed and breakfast facility shall comply with all state regulations governing such facilities.

(6) *Brew pubs.*

- (a) Brew pubs shall be permitted in the CCD, B-3 and B-4 Districts provided that:
 1. The brew pub sells 85% or more of its beer on-site.
 2. The beer is brewed primarily for sale in the restaurant and bar, and may be dispensed directly from the brewery's storage tanks.
 3. Brewpubs may also sell beer for off-sale consumption in growler containers provided the conditions are met.

(7) *Commercial lodging.*

- (a) All hotels and motels shall adhere to the following:
 1. A hotel or motel shall have its principal frontage, access, and orientation direction on an arterial street or collector street.
 2. Vehicular access from a local residential street is prohibited.
 3. No more than one security or caretakers quarters may be provided on the site, and such quarters shall be integrated into the building's design.

(b) In the CCD District, the following additional standards shall apply:

1. The principal building lot coverage is no less than 50% of the property, exclusive of easements devoted to public pedestrian use or other outdoor public spaces.

2. The building, site, and signage meet the standards for the "CCD" District.

3. The proposed use demonstrates compatibility and consistency with the City's Comprehensive Plan and as detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

(8) *Communications/broadcasting.* All communication antennas, antenna support structures and satellite dishes shall adhere to the applicable accessory use requirements for such outlined in § 153.092.

(9) *Convenience retail.* In the B-1 zoning district, the following conditions shall apply:

(a) The site is adequately served by a collector street.

(b) Access point to the site shall be limited to a collector street.

(c) Conformity with the surrounding neighborhood is maintained.

(d) Adequate screening and landscaping from neighborhood residential districts is provided in accordance with this chapter.

(e) Traffic generated by the proposed use does not exceed the capacity of surrounding streets and intersections to accommodate it.

(f) The site shall conform to parking requirements as provided in this chapter.

(g) Building setback from residential uses must be 30 feet or greater.

(h) Parking lot setback from residential uses must be 15 feet or greater.

(i) The site shall conform to signage requirements as recommended by the city. At no time shall the signage exceed the requirements as provided in this chapter.

(j) The site shall conform to lighting requirements as provided in this chapter. The lighting shall be restricted to be consistent with the hours of operation, within one half hour of open and close times.

(k) The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., except as may be approved by conditional use permit.

(l) In addition to the above requirements, if in the CCD, the following conditions shall apply:

1. Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

2. Site planning shall maximize building exposure to the street.

3. Drive-through facilities shall be located to minimize their exposure to the street.

4. Accessory structures, including canopies, menu boards, pay windows, and other structures supporting drive-through functions shall be constructed of materials to match those of the principal building.

5. Site planning shall be designed to emphasize connections to pedestrian facilities.

(10) *Country club.*

(a) The principal use, function, or activity is open, outdoor in character.

(b) Not more than 5% of the land area of the site be covered by buildings or structures.

(c) When abutting a residential use, the property shall be screened with at least an aesthetic buffer (Table 4-2, Buffer Type "B") in accordance with § 153.060(G).

(d) The land area of the property containing such use or activity meets the minimum established for the districts.

(11) *Day care center.*

(a) No overnight facilities shall be provided for children served by the daycare. Children must be delivered and removed from the facility daily.

(b) An outdoor recreational facility:

1. Shall be appropriately separated from the parking lot and driving areas by a fence not less than four feet in height;

2. Shall be located continuous to the day-care facility;

3. Shall not be located in any yard abutting a major thoroughfare;

4. Shall not have an impervious surface for more than one-half of the playground area;

5. Shall extend at least 60 feet from the wall of the building or to an adjacent property line, whichever is less, or shall be bound on not more than two sides by parking and driving areas; and

6. Shall be a minimum size of 2,000 sq. ft., or in the alternative 75 sq. ft. per child at licensed capacity, whichever is the greater figure.

(c) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

(d) In addition to divisions (a) through (c) above, day care centers in the I-1 district shall adhere to the following additional requirements:

1. Only be allowed as a secondary combination use which complements a primary business;
2. Only be conducted in the principal building, and not exceed 20% of the total principal building square footage;
3. Be physically separated from the other activities occurring in the principal building;
4. Not have a dedicated entrance (other than emergency exits) from the exterior of the principal building;
5. Not have dedicated off-street parking or signage.

(12) *Entertainment/recreation – indoor commercial.*

(a) No auctions shall take place on the premises.

(b) Outdoor storage shall be prohibited.

(c) Noise shall be controlled consistent with the standards of this chapter.

(d) When abutting a residential use, the property shall be screened with an aesthetic buffer (Table 4-2, Buffer Type “B”) in accordance with § 153.060(G).

(13) *Entertainment/recreation – outdoor commercial.*

(a) When abutting a residential use, the property shall be screened with at least a semi-opaque buffer (Table 4-2, Buffer Type “C”) in accordance with § 153.060(G).

(b) Adequate measures to contain the proposed activity on the subject site shall be provided.

(c) Dust and noise are controlled consistent with City Ordinance.

(d) No auctions shall take place on the premises.

(e) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m..

(f) All lighting shall be in compliance with §153.063.

(14) *Event centers.*

(a) *Proximity to residential uses.* Property upon which event centers are located shall not abut residentially zoned property, with the exception of R-3 and R-4 zoned properties.

(b) *Parking.* Off-street parking for event centers shall be provided in accordance with §153.067.

(c) *Event size.* Event centers shall be allowed a maximum event size as specified by the conditional use permit.

(d) *Number of events.*

1. Event centers in the B-3 and B-4 District are not restricted in the number of events allowed unless restricted by the conditional use permit.

2. Event centers in the B-2 District may be limited to certain days or number of events by the City Council per the conditional use permit.

(e) *Hours of operation.* Event center hours of operation shall be as established by the City Council per the conditional use permit.

(f) *Noise regulations.* Event centers shall be subject to the noise-related provisions of City Code.

(g) *Food regulations.* Event centers may serve food and beverages as an accessory activity in accordance with all applicable federal, state, and city regulations.

(h) *Overnight accommodations.* Overnight accommodations are not allowed.

(i) *Accessibility.* All buildings used in conjunction with event centers shall meet applicable accessibility requirements imposed by state or federal law.

(j) *Code compliance.* The building(s) used for the event center shall meet any and all applicable federal, state, and

local codes, including those which apply to sanitary facilities.

(k) *Outdoor events.* All events shall take place within the event center building(s), unless otherwise allowed in the zoning district or City Code.

(15) *Financial institutions.* Drive-thru service, if approved as an accessory use to a financial institution, shall be located to the side or rear of the principal building whenever feasible.

(16) *Funeral services.*

(a) Funeral homes shall have its principal frontage, access, and orientation direction on an arterial or collector street.

(b) All structures shall be located so as not to require access from an interior residential street.

(17) *Animal kennel/boarding (commercial):*

(a) The kennel shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

(b) Outdoor kennels or cages and any outdoor storage uses are prohibited.

(c) The facility's minimum floor area size must provide for 75 square feet per dog and 20 square feet per cat or other animal at any one time, exclusive of office or storage area. The facility must provide one cage or air kennel per animal.

(d) Animal wastes shall be immediately cleaned with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste must be properly disposed of daily by a contracted refuse service.

(e) For all areas for animal care or keeping, wall finish materials below 48 inches in height shall be impervious, washable materials such as sealed masonry, ceramic tile, glassboard, or marlite. Floor finish shall be sealed concrete or other approved impervious surface.

(f) If an outdoor exercise area is provided, it shall be at least 100 square feet in size for each animal that occupies that area at any time.

(g) Outdoor areas used for animal training or exercise shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein and must fully screen the activity from public right-of-way and adjacent property.

(h) If adjacent to residential uses, outdoor animal use areas must be set back at least 50 feet from all property lines, and 75 feet from residential property lot lines.

(i) Outdoor use areas must be located in side or rear yards of the property.

(j) Fencing materials must be at least six feet in height, must be fully opaque and must consist of durable, maintenance-free materials.

(k) Use of outdoor areas is limited to 7:00 a.m. to 9:00 p.m.

(l) Outdoor use areas shall be limited to no more than six animals outside at any one time.

(m) Animals must be supervised at all times when outdoors.

(n) No more than four animals shall be outside the fenced area per supervising staff person and all animals must be leashed.

(o) Related accessory services including grooming, veterinary services, and accessory retail sales may be conducted or provided at the facility, provided that:

1. Veterinary services are limited to annual checks and vaccination services and shall not exceed 30% of the total building area.

2. Retail component of kennel facility shall not exceed 15% of total building area.

(p) The facility ventilation system must be completely separate and independent of other tenant space within the building.

(q) All city code, State Health Department and Minnesota Pollution Control Agency licenses and requirements for such facilities are current and compliant.

(18) *Landscaping/nursery business.*

(a) The business shall be located next to a collector or arterial street as identified in the comprehensive plan, or otherwise located so that access to the site will not conduct significant traffic on local residential streets.

(19) *Medical/clinical services.* In the CCD, the following conditions shall apply:

(a) Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

(b) Street-level floor planning designed to accommodate use by or conversion to future use as retail land uses.

(20) *Offices (commercial).*

(a) Outdoor storage and accessory building - major shall be prohibited.

(b) Buildings or structures with less than 51% of office space shall not be classified as an office use and shall be regulated by the other use of the structure.

(c) If in the B-1 district, the following shall apply:

1. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding area.

2. The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.

3. The provisions of this chapter are considered and satisfactorily met.

4. The site shall conform to signage requirements provided under §153.064.

5. The site shall conform to lighting requirements as provided in this chapter. The lighting shall be restricted to be consistent with the hours of operation, within one half hour of open and close times.

(d) In the CCD, the following conditions shall apply:

1. Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

2. Street-level floor planning designed to accommodate use by or conversion to future use as retail land uses.

3. Parking areas shall be situated so as to minimize their exposure to public areas, or shall be landscaped and screened to minimize large expanses of open pavement.

(21) *Offices (professional) including financial institutions.*

(a) Outdoor storage and accessory building - major shall be prohibited.

(b) Buildings or structures with less than 51% of office space shall not be classified as an office use and shall be regulated by the other use of the structure.

(c) If in the B-1 district, the following shall apply:

1. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding area.

2. The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.

3. The provisions of this chapter are considered and satisfactorily met.

4. The site shall conform to signage requirements provided under §153.064.

5. The site shall conform to lighting requirements as provided in this chapter. The lighting shall be restricted to be consistent with the hours of operation, within one half hour of open and close times.

(d) In the CCD, the following conditions shall apply: Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

(e) Street-level floor planning designed to accommodate use by or conversion to future use as retail land uses.

(f) Parking areas shall be situated so as to minimize their exposure to public areas, or shall be landscaped and screened to minimize large expanses of open pavement.

(g) Parking supply shall be calculated at the same rate as retail sales.

(22) *Personal services.*

(a) Outdoor storage and accessory building - major shall be prohibited.

(b) Drive-thru service shall require authorization through conditional use permit in accordance with §153.091.

(c) In the B-1 district, the following shall apply:

1. Outdoor lighting shall be restricted to be consistent with the hours of operation, within one half hour of open and close times.

2. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(d) Establishments engaged in dry cleaning shall be held to the following requirements:

1. Dry cleaning processing shall be restricted to the B-4 district.
2. Dry cleaning operations shall be self-contained in terms of noise and fumes with no venting to outside of building.
3. Dry cleaning facilities shall have direct access to major thoroughfare via driveway or frontage road.

(e) Tattoo facilities and providers shall be required to comply with the requirements of the Minnesota Department of Health licensing requirements and regulations, and display evidence of such compliance in a conspicuous location within the establishment.

(23) *Production breweries and micro-distilleries with accessory taproom or cocktail room.* Production breweries and micro-distilleries with accessory taproom or cocktail room shall be allowed by conditional use permit in the CCD, B-3 and B-4 Districts, provided that:

(a) The owner of the brewery qualifies for and receives a brewer license and a malt liquor wholesale license from the State of Minnesota, according to M.S. § 340A.301, as it may be amended from time to time.

(b) The brewery or micro-distillery includes an accessory brewer's taproom or cocktail room for the on-sale of products produced on-site, and such room shall require the applicable license from the City of Monticello, according to City Code.

(c) On-site sale of beer in the form of growlers shall require a brewery license for off-sale of malt liquor, according to City Code. Off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the City of Monticello.

(d) Total production of malt liquor may not exceed 10,000 barrels annually. Of the 10,000-barrel production limit, onsite taproom retail sales shall not exceed 3,500 barrels annually, 500 barrels of which may be sold off-sale as growlers. The brewer shall annually submit production reports with the request to renew a brewer taproom or off-sale malt liquor license.

(e) A micro-distillery may be issued a license for off-sale of distilled spirits. The license may allow the sale of one 375-milliliter bottle per customer per day of product manufactured on-site, subject to the following requirements:

1. Off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the City of Monticello.
2. No brand may be sold at the micro-distillery unless it is also available for distribution by wholesalers.

(f) Total production of liquor may not exceed 40,000 proof gallons annually. Of the 40,000 proof gallon production limit, onsite cocktail retail sales shall not exceed 3,500 proof gallons annually, 500 proof gallons of which may be sold off-sale in 375 milliliter bottles. The distiller shall annually submit production reports with the request to renew a cocktail room or off-sale liquor license.

(g) The brewery or micro-distillery facility provides adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the city may impose limits on deliveries or shipments using the public rights-of-way, including regulating the number of trucks per day and the hours that deliveries are permitted.

(h) Loading docks shall be located and designed so they are not visible from adjoining public streets or adjoining residential zoning.

(i) No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residential zoning.

(j) No odors from the business may be perceptible beyond the property line.

(k) The business must be housed in a building that utilizes building design similar to, or compatible with, common commercial architecture, and shall avoid large wall expanses which contribute to an industrial environment.

(l) The brewer must demonstrate the capacity for producing, processing and storing malt liquor on the commercial site through the provision of a building floor plan illustrating production, bottling, and storage areas.

(m) All exterior lighting shall be compliant with §153.063.

(24) *Recreational vehicle camp site.*

(a) The land area of the property containing such use or activity meets the minimum established for the district.

(b) The site shall be served by a major or arterial street capable of accommodating traffic which will be generated.

(c) All driveways and parking areas shall be surfaced with a dustless material.

(d) Plans for utilities and waste disposal shall be subject to approval by the Community Development Department, and all applicable requirements of the State Pollution Control Agency are complied with.

(e) Not more than 5% of the land area of the site shall be covered by buildings or structures.

(f) The locations of such use shall be at minimum 100 feet from any abutting residential use district.

(25) *Repair establishments.*

(a) Outdoor storage and accessory building - major shall be prohibited.

(b) Outdoor storage shall be prohibited in the B-1, B-2 and CCD districts.

(c) No process involved in a repair operation shall produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

(26) *Restaurants.*

(a) For all restaurants, if the establishment (building) or outdoor seating area is located within 300 feet of a residential zoning district, the following standards shall apply:

1. The use shall require authorization through a conditional use permit.
2. Primary access from local residential streets shall be prohibited.

(b) Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

1. The outdoor portions of the restaurant shall not operate after 10:00 p.m. unless a special event permit for such events has been approved by the City Council. Such a permit supersedes the provisions of City Code.
2. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
3. The outdoor portions of the restaurant shall not operate after 10:00 p.m. unless a special event permit for such events has been approved by the City Council. Such a permit supersedes the provisions of City Code.
4. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

(c) Restaurants having drive-through facilities shall require a conditional use permit and comply with the following standards:

1. All requirements for an accessory drive-through facility shall be met.
2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of lot.
3. When abutting a residential use, the property shall be screened with at least a semi-opaque buffer (Table 4-2, Buffer Type "C") in accordance with § 153.060(G).
4. Each light standard island and all islands in the parking lot landscaped or covered.
5. Parking areas shall be screened from view of abutting residential districts in compliance with §153.060(F).
6. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the Community Development Department.
7. If in the CCD District, the following standards shall also apply:
 - a. The design of the site promotes pedestrian access adjacent to and along the property.
 - b. Site lighting shall utilize fixtures similar in style to that designated by the city for use in public areas of the "CCD" district.
 - c. The building, site, and signage meet the standards for the "CCD" district and design review is conducted by the Planning Commission.
 - d. Drive through facilities comply with the requirements of §153.092(D)(14).
 - e. The proposed use demonstrates compatibility and consistency with the City's Comprehensive Plan and as detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

(27) *Retail commercial uses (other).*

(a) If the retail sales includes consignment sales, the following standards shall apply:

1. No auctions shall take place on the premises.
2. There shall be no outside storage.

(28) *Specialty eating establishments.*

(a) Drive through service shall be reviewed through the conditional use permit process and shall be located to the side or rear of the building whenever feasible.

(b) For all specialty eating establishments, if the establishment (building) or outdoor seating area is located within 300 feet of a residential zoning district, the following standards shall apply:

1. The use shall require authorization through a conditional use permit.

(c) Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

1. The outdoor portions of the restaurant shall not operate after 10:00 p.m.
2. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

(d) In addition to the above requirements, if in the CCD, the following conditions shall apply:

1. Building architecture shall be designed to reflect retail street-level architecture as defined in the City’s Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled “Downtown Monticello Small Area Plan.”
2. Site planning shall maximize building exposure to the street.
3. Drive-through facilities shall be located to minimize their exposure to the street.
4. Accessory structures, including canopies, menu boards, pay windows, and other structures supporting drive-through functions shall be constructed of materials to match those of the principal building.
5. Site planning shall be designed to emphasize connections to pedestrian facilities.

(29) *Vehicle fuel sales.*

(a) Regardless of whether the dispensing, sale, or offering for sale of vehicle fuels including gasoline, diesel, natural gas, or other petroleum fuels and oils, electric charging stations of more than two such stations, hydrogen, or any other fuel intended to power motor vehicles of any sort is the principal use of the property or is accessory to the conduct of the use or business, the standards and requirements imposed by this chapter for vehicle fuel sales shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

(b) A principal building is required wherever fuel pumps are to be installed, which square footage shall be a minimum of 10% of the total lot area.

(c) If the facility is in a Business Zoning District and/or associated with a business use in another district, such as a PUD district, the dispensing of such fuels shall be associated with a principal building accessible to the public, in which retail transactions of such fuels and/or other goods may occur.

(d) Wherever fuel pumps are to be installed, pump islands shall be installed.

(e) All signing and informational or visual communication devices shall be minimized and shall be in compliance with § 153.064.

(f) Provisions are made to control and reduce noise.

(g) If in the CCD District, the following standards shall also apply:

1. The design of the site promotes pedestrian access adjacent to and along the property.
2. No more than two curb cuts of 24 feet in width or less shall be permitted.
3. Site lighting shall utilize fixtures similar in style to that designated by the city for use in public areas of the “CCD” district.
4. The building, site, and signage meet the standards for the “CCD” district and design review is conducted by the Planning Commission.
5. The proposed use demonstrates compatibility and consistency with the City’s Comprehensive Plan and as detailed in the Comprehensive Plan Amendment entitled “Downtown Monticello Small Area Plan.”

(g) Electric vehicle charging facilities of more than two charging stations may be permitted in any zoning district on parcels on which a public use or building is also present. Such use shall require authorization through conditional use permit and subject to all provisions of § 153.091(E)(29).

(30) *Vehicle sales or rental.*

(a) The minimum building size for any vehicle sales or rental use shall comply with the standards in Table 5-3.

TABLE 5-3: MINIMUM BUILDING SIZE FOR VEHICLE SALES/RENTAL USES		
Parcel Size	Lot Coverage Percent*	Minimum Building Size*
Less than 2 acres	5%	2,500 sq. ft.
2 acres to less than 4 acres	7%	10,000 sq. ft.
4 acres to less than 8 acres	9%	20,000 sq. ft.
8 acres or more	9%	40,000 sq. ft.

(b) When abutting a residential use, the property shall be screened with an opaque buffer (Table 4-2, Buffer Type "D") in accordance with § 153.060(G).

(c) All lighting shall be in compliance with § 153.063.

(d) The outside sales and display area shall be hard surfaced.

(e) The outside sales and display area does not utilize parking spaces which are required for conformance with this chapter.

(f) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the Community Development Department.

(g) There is a minimum lot area of 22,500 square feet and minimum lot dimensions of 150 feet by 130 feet.

(h) A drainage system subject to the approval of the Community Development Department shall be installed.

(31) *Veterinary facilities.*

(a) Treatment shall be limited to small household pets unless the facility is conditionally permitted as a rural veterinary facility.

(b) In the CCD district, animals shall only be housed overnight if they are undergoing medical treatment or observation. Overnight boarding for non-medical reasons shall be prohibited.

(c) The site shall be designed to prevent animal waste from being exposed to stormwater or entering the stormwater system, streams, lakes, or conveyances. If an area is provided for animals walking, it shall not be exposed to stormwater and the waste shall immediately be picked up and disposed of properly.

(d) Animals shall not be kept outdoors or be allowed to remain outside unsupervised.

(e) All animals must be leashed.

(f) No outside storage of carcasses.

(g) The facility shall be subject to an annual inspection by a City Health Officer at owner's expense.

(h) In the CCD, F-1 sub-district, the following additional standards shall apply:

1. Building architecture shall be designed to reflect retail street-level architecture as defined in the City's Comprehensive Plan, and detailed in the Comprehensive Plan Amendment entitled "Downtown Monticello Small Area Plan."

2. Street level floor planning designed to accommodate use by or conversion to future use as retail uses.

3. Overnight animal boarding shall only be allowed as an accessory use to clinic services, and shall be situated so as to prohibit exposure, noise, or other nuisance conditions.

(32) *Retail service.*

(a) Repair of all goods shall occur within an enclosed building.

(b) Outdoor sales and display shall be conducted in accordance with this chapter.

(c) Off-street loading and delivery shall be in accordance with this chapter and shall not reduce the required off-street parking required for the site and use.

(d) Outdoor storage shall be prohibited.

(e) No process involved in a service operation shall produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

(f) If adjacent to a residential property, the use shall require installation of a buffer yard in accordance with this chapter.

(33) *Cannabis retail business.* Including cannabis retailer, medical cannabis retailer, medical cannabis combination business with retail location, cannabis microbusiness retail location, and cannabis mezzobusiness retail location shall be subject to the following standards:

(a) Cannabis retailers as enumerated above shall comply with all of the requirements of §153.091(C).

(b) Any location of a cannabis retailer, medical cannabis retailer, medical combination business retail location, cannabis microbusiness retail location or cannabis mezzobusiness retail location in a B-3 or B-4 zoning district shall have a license or endorsement allowing for retail sales at that location from the State of Minnesota OCM.

(c) The combination of retail cannabis sales and any other cannabis business as a "microbusiness" or "mezzobusiness" shall be considered a single business entity for purposes of signage allowances.

(d) No cannabis-related business shall permit consumption of any product on-site, except by conditional use permit, subject to the following conditions:

1. The facility shall only be located in the B-3 or B-4 zoning district.
2. If the facility is a part of a multi-tenant building, the facility shall ensure that no odors from smoke or other on-site activities can be detectable outside of the facility.
3. Consumption may be allowed only indoors, located in a specified area physically separated from other retail floor space.

(e) No cannabis-related business with a retail component or endorsement shall provide delivery of its product to retail customers unless expressly allowed by a state license, except that medical cannabis retailers may make deliveries to their customers with valid medical prescriptions.

(f) Receipt of cannabis products by a retail customer shall only occur within the building establishment and shall not occur through any outside pick-up or drive-through delivery process.

(F) *Regulations for industrial uses.*

(1) *Automobile repair - major.*

- (a) Door opening to service area garage must not face street frontage.
- (b) Vehicle storage area limited to 50% of floor space of the structure housing the auto body shop.
- (c) All vehicles being serviced and all vehicle parts must be stored inside or in vehicle storage area.
- (d) Vehicle storage area shall be enclosed by enclosure intended to screen the view of vehicles in storage from the outside. Enclosure shall consist of a six-foot high, 100% opaque fence designed to blend with the auto body shop structure and consisting of materials treated to resist discoloration.
- (e) The floor of the vehicle storage area shall consist of asphalt or concrete paving.
- (f) All work on vehicles or vehicle parts shall be conducted within an enclosed building.
- (g) No conditional use permit shall be granted for an auto body shop located within 600 feet of a residential zone existing at the time the conditional use permit is granted.

(2) *Bulk fuel sales and storage.*

- (a) Gas storage shall be limited to quantities not exceeding 500,000 cubic feet and not located within 100 feet from any lot line.
- (b) Gas storage with quantities not exceeding 200 cubic feet, if the pressure is greater than 100 pounds per square inch, shall not be located within 50 feet of any lot line.

(3) *Commercial self-storage facilities.*

(a) *Site layout.*

1. The minimum lot area shall be at least two acres.
2. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

(b) *Operation.*

1. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in cold storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

2. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

3. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

4. Except as otherwise authorized in this division, all property stored on the site shall be enclosed entirely within enclosed buildings.

5. If buildings or driving lanes are within 200 feet of a residential dwelling, the hours of public access to the self-storage use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

(c) *Parking and circulation.*

1. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

2. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

3. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

(d) *Building appearance.*

1. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

2. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with § 153.063, Exterior Lighting.

3. The exterior facades of all structures facing a public street shall adhere to §153.070, Building Materials.

4. Windows may not exceed 20% of any street-facing façade and shall not be reflective.

5. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral, and shall not be used to call attention to the use.

6. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.

7. All mechanical equipment and dumpsters shall be fully screened from off-site views.

(e) *Fencing.* All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:

1. Fences shall be no shorter than six feet or taller than eight feet.

2. Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that complement the buildings.

3. Chain link fencing is prohibited except where the use abuts lots with a business zoning designation, but in no instance shall chain link fencing be visible from a public street.

4. Metal fences shall include brick pilasters or supports located with consistent on-center spacing.

5. Wooden or chain link entry gates into the use are prohibited.

(4) *Temporary contractor's yards.*

(a) Temporary contractor's yards shall be allowed only by interim use permit, subject to the standards of § 153.028(E).

(b) Temporary contractor's yards shall be accommodated only in association with the construction of public infrastructure projects on public property, rights-of-way, or public easements.

(c) Temporary contractor's yards shall be located only on property directly abutting a county, state or federal highway, and shall minimize use of local streets. No local streets may be used by temporary contractor equipment, with the exception of streets or utilities currently under construction or reconstruction for that purpose, or which are deemed necessary for such use by the City Engineer to provide access to a permitted construction site.

(d) Such yards shall provide haul routes for approval by the City Engineer.

(e) Such yards shall provide adequate securities, as determined by the City Council, for the restoration of any municipal infrastructure damaged due to the operation of the yard.

(f) Such yards shall provide, as a condition of their permit, for adequate stormwater management, dust control, traffic control, and other requirements of the City Engineer.

(g) Interim use permits for temporary contractor's yards shall include a restoration plan ensuring the restoration of the property to a condition meeting the zoning and nuisance standards of the city.

(5) *Extractive uses.*

(a) All regulations in this chapter shall be met.

(b) Plans shall be provided to illustrate how the land will be left in a usable condition upon cessation of extraction activities, shall prove that the finished grade will not adversely affect the surrounding land or future development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

(c) The interim use permit authorizing the extraction of materials shall regulate:

1. The type(s) of material being mined on the site;

2. A program for rodent control;

3. A plan for fire control and general maintenance of the site;

4. Controls for vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site;

5. A calendar of specific dates when mining operations will be conducted, including specific beginning and ending dates, but not for a period exceeding five years from beginning to end of permit; and

6. The submission of a surety by the applicant in an amount determined by the Community Development Department to be equal to 100% of the value of the cost of restoring land whereupon mining is to occur and repairing the degradation of roadways used to transport soils.

(d) On-site sales may be allowed as part of the interim use permit subject to all conditions established by the City Council to ensure the health, safety, and welfare of those visiting the site and of surrounding property owners.

(e) For extraction of materials under this section within the Pointes at Cedar Zoning District, no such permit shall be issued except where:

1. The city has an interest in the subject property ownership;
2. The city is conducting the extraction under a contract with the fee title owner or representative; or
3. The city approves such a permit for another government agency and/or its contractor for a public project.

(f) In the Pointes at Cedar (PCD) or A-O Districts, and at the city's sole discretion, the IUP under this section may include screening, concrete mixing, asphalt plant operation, or other activities utilizing the raw materials being extracted from the site, provided the city finds that no adverse impact on adjoining property use will occur, including, but not limited to, noise, odors, dust, or other particulate matter.

(g) For the purposes of this section, mining or excavation shall mean solely the removal of minerals, including sand, stone, clay, gravel, or soil in quantities of more than 100 cubic yards, and hauling of said materials from the site. For quantities of less than 100 cubic yards, or for projects that extract and relocate the materials on the same project site regardless of quantity, administrative grading permits may be issued without need for an IUP.

(h) For extraction operations which will last only one season, such as for public road construction projects, the City Council may issue a temporary extraction permit. Such permit may include the placement of a bituminous hot mix plant and other accessory equipment. Said permits shall only apply if the extraction site is to be opened, closed and reclaimed within one year. The Zoning Administrator may waive some of the information required by division (5)(k) below in the case of a temporary extraction permit. A temporary extraction permit shall be administered as an interim use permit.

(i) For extraction operations issued an interim use permit under this section, the city may, at its sole discretion, approve the import of recyclable concrete or asphalt materials for the purpose of crushing and re-use of those materials off-site. No crushing, washing, refining, processing, or other recycling machinery shall be operated within 500 feet of any residential property boundary, nor shall such machinery be operated for more than two weeks in any calendar year. Any such crushing or similar activity shall be operational only during the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.

(j) Any extraction IUP issued under this division (F)(5) shall include, as a component of the IUP, a mandatory land reclamation permit, as regulated under division (F)(10).

(k) *Information required.* The following information shall be provided by the person requesting the permit:

1. Name and address of person requesting the extraction permit;
2. The exact legal property description and acreage of area to be mined;
3. The following maps of the entire site and to include all areas within 100 feet of the site.

a. Map A, existing conditions to include:

- (i) Contour lines at five two-foot intervals;
- (ii) Existing vegetation;
- (iii) Existing drainage and permanent water areas;
- (iv) Existing structures; and
- (v) Existing wells.

b. Map B, proposed operations to include:

- (i) Structures to be erected;
- (ii) Location of sites to be mined showing depth of proposed excavation;
- (iii) Location of tailings deposits showing maximum height of deposits;
- (iv) Location of machinery to be used in the extraction operation;
- (v) Location of storage of mined materials, showing height of storage deposits;

- (vi) Location of vehicle parking, truck staging, queueing, or stacking area, access roads and local truck routes;
- (vii) Location of storage of explosives, equipment, and other equipment materials;
- (viii) Erosion and sediment control structures;
- (ix) Screening, berms, and proposed plantings; and
- (x) Location of leak containment structures, in the event of a petrochemical leak or spill.

c. Map C, reclamation plan to include:

- (i) All of the information required in division (F)(10).

(l) *Financial guarantee.* The city shall require a cash escrow, or irrevocable letter of credit in a form and from a financial institution acceptable to the city, to guarantee compliance with this division and terms and specifications of the interim use permit. The city shall have the right to use the financial guarantee to remove stockpiles, complete site rehabilitation, and correct other deficiencies or problems, in the event the owner or operator is in default of the permit obligations. The amount of financial guarantee shall be equal to \$5,000 for every permitted acre or any other amount deemed acceptable by the City Council. The financial guarantee may be adjusted periodically to reflect ongoing progress, at the discretion of the Zoning Administrator, and shall remain in full force and effect until all conditions of the permit have been met, including site restoration.

(m) *Exceptions.* An extraction permit shall not be required for any of the following:

1. Excavation for a foundation, basement, or other building activity, if such work has been properly permitted.
2. Excavation by city authorities or their contractors in connection with construction and maintenance of roads, highways, bridges, stormwater management projects, parks or utilities within the city limits, conducted solely within the related easement areas or rights-of-way.
3. Grading and removal of materials in accordance with the development of an approved plat or development, if the activity was reviewed as part of the approval process.

(6) *General warehousing.*

- (a) The use shall be located at least 500 feet from any residential district, school, or day care center.
- (b) The use shall not locate storage areas within a required setback or perimeter buffer.
- (c) The use shall locate outdoor storage areas to the rear of the principal structure. All such outdoor storage shall be screened from view of adjacent properties in conformance with the requirements of § 153.060(l).
- (d) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- (e) The use shall have direct access onto an arterial or collector roadway.

(7) *Heavy manufacturing.*

- (a) The use shall be located at least 500 feet from any residential district, school, or day care center.
- (b) The use shall locate outdoor storage areas to the rear of the principal structure and be screened with a fence or wall in accordance with § 153.060(l). The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
- (c) The use shall be designed to ensure property functioning of the on-site transportation circulation system.
- (d) The use shall have direct access onto an arterial or collector roadway.

(8) *Industrial services.*

- (a) The entire site other than that taken up by a building, structure, or plantings shall be paved.
- (b) A drainage system subject to the approval of the Community Development Department shall be installed.
- (c) The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with § 153.063.
- (d) When abutting a residential use, the property shall be screened with an opaque buffer (Table 4-2, Buffer Type "D") in accordance with § 153.060(G).
- (e) Parking or car magazine storage space shall be screened from view of abutting properties and the public right of way in compliance with § 153.060(F).
- (f) All signing and informational or visual communication devices shall be minimized and shall be in compliance with § 153.064.
- (g) Provisions are made to control and reduce noise.

(h) No outside storage except as permitted or conditionally permitted in compliance with §153.092(D)(26).

(i) If the business requires the use of large commercial vehicles or other large machinery, a specific area shall be designated for the exterior storage of the vehicles and equipment.

(9) *Industrial self-storage facilities.*

(a) Such facilities shall occupy no less than 2,000 square feet per individual storage unit in any complex or building.

(b) All individual units shall have overhead door access and service access separate from other units, and no common access shall be permitted.

(c) Such use shall be authorized by conditional use permit.

(d) Site layout:

1. The minimum lot area shall be at least two acres.

2. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

(e) Operation:

1. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in cold storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

2. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

3. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

4. Except as otherwise authorized in this division, all property stored on the site shall be enclosed entirely within enclosed buildings.

5. If buildings or driving lanes are within 200 feet of a residential dwelling, the hours of public access to the self-storage use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

(f) *Parking and circulation.*

1. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

2. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.

3. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

(g) *Building appearance.*

1. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

2. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with § 153.063, Exterior Lighting.

3. The exterior facades of all structures facing a public street shall adhere to §153.070, Building Materials.

4. Windows may not exceed 20% of any street-facing façade and shall not be reflective.

5. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral, and shall not be used to call attention to the use.

6. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.

7. All mechanical equipment and dumpsters shall be fully screened from off-site views.

(h) *Fencing.* All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:

1. Fences shall be no shorter than six feet or taller than eight feet.

2. Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that complement the buildings.

3. Chain link fencing is prohibited except where the use abuts lots with a business zoning designation, but in no instance shall chain link fencing be visible from a public street.

4. Metal fences shall include brick pilasters or supports located with consistent on-center spacing.
5. Wooden or chain link entry gates into the use are prohibited.

(i) *Open storage.* Open storage of recreational vehicles and travel trailers of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

1. No outdoor storage shall be visible from off-site views.
2. The storage shall occur only within a designated area, which shall be clearly delineated.
3. The size of the storage area shall not exceed 25% of the buildable area of the site.
4. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high.
5. Storage shall not occur within the areas set aside for minimum building setbacks.
6. No dry stacking of boats shall be permitted on-site.
7. Vehicles shall be allowed on the premises for storage only.

(10) *Land reclamation.* The interim use permit authorizing land reclamation shall require:

- (a) A finished grade plan which will not adversely affect the adjacent land;
- (b) The type of fill permitted;
- (c) A program for rodent control;
- (d) A plan for fire control and general maintenance of the site;
- (e) Controls for vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site;
- (f) A soil erosion and sediment control plan;
- (g) A calendar of specific dates when land reclamation operations will be conducted, including specific beginning and ending dates;
- (h) The submission of a surety by the applicant in an amount determined by the Community Development Department to be equal to 100% of the value of the cost of restoring land whereupon land reclamation is to occur and repairing the degradation of roadways used to transport soils; and

(i) Unless otherwise required by the City Council, a minimum of four inches of clean, uncontaminated topsoil shall be placed on all final graded and rehabilitated areas. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding area, and which will minimize erosion due to rainfall. No finished slope shall exceed 25% in grade.

(11) *Light manufacturing.* Light manufacturing uses may include a commercial component provided the following standards are met:

- (a) The commercial component is directly related to the products being created by the light manufacturing use.
- (b) The commercial component shall not exceed 30% of the gross floor area of the principal use.

(12) *Machinery/trucking repair & sales and industrial services.*

- (a) A drainage system subject to the approval of the Community Development Department shall be installed.
- (b) The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with § 153.063.
- (c) When abutting a residential use, the property shall be screened with an opaque buffer (Table 4-2, Buffer Type "D") in accordance with § 153.060(G).
- (d) Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with § 153.060(F).
- (e) All signing and informational or visual communication devices shall be minimized and shall be in compliance with § 153.064.

(f) Provisions are made to control and reduce noise.

(g) Any such facility shall include a principal building of no less than 30,000 square feet in floor area. The square footage shall be increased by 15% of each acre of the parcel size above five acres.

(h) Additional accessory buildings related to the principal use may be provided on the site as a part of essential operations of this use without the need for PUD approvals but shall be limited to no more than 15% of the gross square

footage of the principal use. Leasing of such buildings to other business entities or operations would require the processing of a PUD per § 153.028(O).

(i) Any outdoor storage (separate from approved sales and display area) of vehicles and/or equipment awaiting repair accessory to the principal use shall be limited to an area of the site no greater than the footprint of the principal building.

(j) Any outdoor storage of vehicles and/or equipment awaiting repair, repair vehicles and/or equipment must be kept on a paved surface such as bituminous or concrete, screened from view of adjoining public rights-of-way and residentially zoned property. Such outdoor storage area must be designated on an approved site plan. Sites utilizing heavy equipment shall rely on reinforced concrete to ensure long-term durability of the paved surface.

(k) Any outdoor display of for-sale vehicles or equipment must be paved with a hard surface such as bituminous or concrete and occupy an area of the site no greater than 200% of the footprint of the principal building, not including areas dedicated to required parking and general circulation on the site. Such outdoor display area must be designated on an approved site plan.

(l) Sites utilizing heavy equipment shall rely on reinforced concrete to ensure long-term durability of the paved surface.

(m) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

(n) If the business repairs semi-trucks or other large machinery, a specific area shall be designated for the exterior storage of the things being repaired and/or other vehicles and equipment accessory and incidental to the vehicle or machinery being repaired or serviced.

(13) *Production breweries and micro-distilleries.* Production breweries and micro-distilleries shall be allowed as a permitted use in the I-1 and I-2 District, provided that:

(a) The owner of the brewery qualifies for and receives a brewer license and a malt liquor wholesale license from the State of Minnesota, according to M.S. § 340A.301, as it may be amended from time to time.

(b) Total production of malt liquor may not exceed 250,000 barrels annually.

(14) *Production breweries and micro-distilleries with accessory taproom or cocktail room.* Production breweries and micro-distilleries with accessory taproom or cocktail room shall be allowed by conditional use permit in the IBC, I-1 and I-2 Districts, provided that:

(a) The facility is located in an area that includes and/or serves commercial traffic.

(b) The facility is not located within 500 feet of a residential zoning district.

(c) The owner of the brewery qualifies for and receives a brewer license and a malt liquor wholesale license from the State of Minnesota, according to M.S. § 340A.301, as it may be amended from time to time.

(d) Total production of malt liquor may not exceed 250,000 barrels annually.

(15) *Recycling and salvage center.*

(a) The center shall be on a parcel with an area of at least four acres.

(b) The center shall be located at least 250 feet from any residential district, school, or day care.

(c) Except for a freestanding office, no part of the center shall be located within 25 feet of any property line, or the minimum buffer yard setbacks required in § 153.060(G), whichever requires the greater setback.

(d) All recycling activities and storage areas shall be effectively screened from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of recycling activities or a storage area can be seen from rights-of-way or adjacent lots.

(e) All outdoor storage areas shall be surrounded by a solid fence or wall that is at least eight feet high, located no less than 30 feet from any public right-of-way, and located no less than 15 feet from any adjacent property.

(f) Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground. In the alternative, the outdoor storage of recyclable materials may occur on the ground, provided that the ground is surfaced with a suitable material acceptable to the city to control dust and drainage in a manner that is consistent with the city's stormwater management requirements, and is fenced and screened to ensure that no storage is taller in elevation than the height of the screening.

(g) The facility shall at all times comply with the terms of the MCPA permitting for the site, and shall promptly comply with any order of mitigation or correction issued by the MPCA when an inconsistency or violation is found. The city may require additional improvements to protect the city's stormwater management system resulting from operation of the facility, including but not limited to, additional stormwater treatment, reporting, and notifications as appropriate.

(h) There shall be no collection or storage of biodegradable wastes (as defined by the PCA) on the site. The storage of hazardous wastes shall be, at all times, found to be in compliance with the requirements and permitting of the MPCA as

applicable to the site and the material in question.

(i) Space shall be provided to park each commercial vehicle operated by the center.

(j) The facility shall be administered by on-site persons during the hours the facility is open.

(k) The site shall be maintained free of fluids, odors, litter, rubbish, and any other non-recyclable materials. The site shall be cleaned of debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

(l) Noise levels shall be controlled in accordance with §153.091(A)(2)(e).

(m) Signage shall include the name and phone number of the facility operator and indicate any materials not accepted by the center.

(n) Access to the center shall be from a collector or arterial street.

(o) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on abutting properties.

(16) *Truck or freight terminal.*

(a) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing, conforming buildings or areas as to cause impairment in property values or constitute a blighting influence within the district in which the proposed use is located.

(b) Parking areas shall be screened from view of abutting residential districts and public streets in compliance with § 153.060(l). Trucks and trailers stored on the site shall be screened from adjoining residential areas and public streets with a combination of trees, shrubs, and fencing to ensure that no view of the trailers is possible from abutting residential property to a height of no less than 12 feet.

(c) The entire site, other than that taken up by a building, structure, or plantings, must be paved with a hard surface such as bituminous or concrete sites utilizing heavy equipment shall rely on reinforced concrete to ensure long-term durability of the paved surface. All surfaces shall be developed with a stormwater management system approved by the City Engineer.

(d) The site shall meet minimum lot dimension requirements of the District.

(e) No outside storage except as permitted or conditionally permitted in compliance with §153.092(D)(26).

(f) Parking areas accessible to the public, including customers and employees shall be paved.

(g) No more than 6,000 square feet of the site shall be devoted to the storage, parking, and/or circulation of semi-tractors and trailers, as illustrated on a site plan submitted in connection with an application for a conditional use permit.

(h) All service activities shall occur within the principal building or approved accessory buildings.

(17) *Waste disposal and incineration.*

(a) Disposal must be in accordance with Minnesota Pollution Control Agency regulations.

(b) The facility must secure applicable local, county, state, and/or federal permits.

(18) *Wrecker and towing services.*

(a) All outside storage shall be enclosed by a sight-obscuring fence of up to eight feet in height. The fence and the materials used to construct it shall be approved of by the city.

(b) No vehicles shall be stored within the 100-year floodplain.

(c) Upon receiving a motor vehicle which will not be repaired, the applicant will take measures to ensure that no discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

(d) No dismantling of motor vehicles shall be allowed.

(e) No vehicles shall be stored within 300 feet of a well that serves as a public or private water supply unless such well serves the business.

(f) Towed vehicles shall be stored only in areas behind the front building line of the property, screened as required in this section. Towing equipment and vehicles may be parked in specifically designated locations on an approved site plan.

(19) *Industrial cannabis businesses.* Including the following cannabis-related uses: cultivator; manufacturer; wholesaler; transporter; testing facility; delivery service; mezzobusiness; microbusiness; any such business that conducts these activities for lower-potency hemp enterprises; any such business that conducts these activities for medical cannabis enterprises; or any other cannabis-related business enterprise that is not expressly and solely a retail business, shall be subject to the following standards:

(a) Industrial cannabis businesses shall comply with all of the requirements of §153.091(C).

(b) The entire site other than that taken up by a building, structure, or plantings shall be paved.

(c) A drainage system subject to the approval of the Community Development Department shall be installed.

(d) The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with § 153.063.

(e) In an I-1 District, when abutting a residential use, the property shall be screened with an opaque buffer (Table 4-2, Buffer Type "D") in accordance with § 153.060(G).

(f) In an I-2 District, no parcel may be used for cannabis-related business if such parcel abuts a residential district.

(g) All signing and informational or visual communication devices shall be minimized and shall be in compliance with § 153.064.

(h) Provisions are made to control and reduce noise.

(i) Waste-handling equipment and processes shall be enclosed and indoors.

(j) No outside storage shall be allowed for any cannabis-related business. Parking of delivery or transport vehicles shall occur only in designated spaces, and shall not be considered outside storage.

(k) Cannabis cultivation uses as part of any industrial cannabis business shall be subject to the following additional requirements:

1. Cannabis cultivators shall limit site and/or building lighting to ensure that light at the property line is measured at 0.0 footcandles.

2. All lighting shall be hooded, downcast, and not create glare to any other property.

3. All buildings shall comply with the city's zoning and building regulations, and be adaptable to other non-cultivation use.

(Ord. 762, passed 8-23-2021; Ord. 771, passed 2-28-2022; Ord. 780, passed 7-25-2022; Ord. 791, passed 11-14-2022; Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023; Ord. 804, passed 8-14-2023; Ord. 827, passed 6-24-2024; Ord. 828, passed 6-24-2024; Ord. 830, passed 7-22-2024; Ord. 835, passed 11-25-2024)