

**CITY OF VICTORIA
COUNTY OF CARVER
STATE OF MINNESOTA
ORDINANCE 478 ZC**

**AN ORDINANCE AMENDING SECTIONS 16-1 AND SECTION 29-1 THROUGH 29-5
OF THE VICTORIA ZONING CODE**

THE CITY COUNCIL OF THE CITY OF VICTORIA ORDAINS:

SECTION 1: **AMENDMENT** “Section 16-1 Definitions” of the Victoria Zoning Code is hereby amended with the following additions:

Sec. 16-1 – Definitions

Abandoned sign means a sign or sign structure that is located on a building or property that has been vacant or unoccupied for a period of three months or more or a sign which pertains to a time, event, or purpose that no longer applies. 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 six months.

Accessory storage, outdoor means an accessory structure that is used for the storage, including open storage, of goods, materials, equipment, manufactured products, vehicles, and similar items not fully enclosed by a building, for an indefinite period of time.

Advertising balloon means any inflatable temporary sign.

Alteration means any major alteration to a sign, but shall not include routine maintenance, painting or change of the sign face of an existing sign.

Animal hospital means a building used by veterinarians primarily for the purposes of the consultation, diagnosis and office treatment of household pets, but shall not include long-term board facilities for animals nor kennels.

Animal kennel means a commercial place where a person, firm, or corporation accepts animals from the general public and where such animals are kept for the purposes of selling, boarding, breeding, training, treating or grooming.

Apparel fabrication means the process of transforming raw materials (fabric, thread, etc.) into finished apparel products, from cutting and sewing to quality control and packaging.

Automatic Teller Machine (ATM) means a computerized electronic machine that performs basic banking functions (such as handling check deposits or issuing cash withdrawals)

Automotive services means any building or premises used for the dispensing or sale of lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may

include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

Automotive sales, indoor only means a business that sells new or used cars, at the retail level, based on a dealership contract with an automaker or its sales subsidiary. Car dealerships also often sell spare parts and automotive maintenance services. All sales and services are performed within a primary or accessory structure.

Awning means a covering attached on the façade of a building which projects typically over a door, window, or sidewalk.

Awning sign means a sign affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of such awning.

Banner sign means a temporary sign that is made of flexible material, contains a message, and is not inflatable.

Billboard means a large outdoor advertising structure mounted on one or more legs and designed to display posters, composite graphics and/or electronic advertisements.

Brewery means a location where a brewer licensed under section Minnesota Statutes 340A.301, who also holds a retail license to sell off-sale malt liquor at its licensed premises which has been produced and packaged by the brewer.

Brewpub means a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in section 340A.24, subdivision 2.

Cannabis cultivation means a cannabis business licensed to grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other action approved by the Office of Cannabis Management.

Cannabis retail business means a retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location including lower potency hemp edible retailers.

Cannabis retailer means any person, partnership, firm, corporation, or association, selling, cannabis products to a consumer and not for the purpose of resale in any form.

Car rental means the process of renting or hiring a motor vehicle for a predetermined period of time; generally by hours, days, weeks, or months.

Car wash means a building or location specifically for the cleaning the exterior and or interior of a motor vehicle.

Changeable copy message board means a sign or portion of a sign which is characterized by interchangeable letters and figures. This definition shall not include dynamic display signs.

Commercial kitchen means a professional kitchen that is designed for large scale food production such as a catering company. This use does not include the manufacturing of products to be prepared, cooked, or produced off-site.

Commercial speech means speech advertising a business, profession, commodity, service, or entertainment.

Community center means a place or establishment designed as a gathering place for people from the community and surrounding communities that offers, as its primary purpose, civic, social, cultural, educational, public health, and recreational activities provided.

Contract service businesses means a business which provides professional skilled labor such as yard maintenance, trade skilled labor, and office and at-home cleaning services. Does not include landscaping services.

Convenience store means a store with extended opening hours and in a convenient location, stocking a limited range of household goods and groceries.

Convention center means a building or set of buildings designed to hold many people and used for meetings.

Day care means a daytime care facility for the needs of people who cannot be fully independent, such as children or adults.

Directional information sign means a sign, generally informational, that has a purpose secondary to the use of the property upon which it is located, intended to facilitate the movement of pedestrians and vehicles within the site and identify the location and nature of a building not readily visible from the street.

District means the land use or zoning districts as designated on an official land use or zoning map of the city and described in the district regulations.

Drive-thru or drive-in means a business offering goods or services directly to customers waiting in parked motor vehicles.

Dynamic display sign means a billboard or portion thereof that displays electronic static or dynamic text, images, graphics, or pictures where the message change sequence is

accomplished by any method other than physically or mechanically removing and replacing the sign face or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the billboard. This includes a display that incorporates a technology or method allowing the sign face to change the image without physically or mechanically replacing the sign face or its components. This also includes, but is not limited to, any display that incorporates light bulbs, fiber optics, LED lights manipulated through digital input, "digital ink", or any other method or technology that allows the sign face to present a series of text, images, or displays.

Educational institutions means a building which primary provides educational services.

Educational services means a service which provides instruction and training for a specific purpose.

Electric vehicle (EV) charging station means a parking areas designated for the charging of EVs.

Entertainment business, indoor means any business that provides primarily indoor entertainment of some kind or is involved in the entertainment industry. The entertainment industry includes many sub-industries, such as film, music, television, gaming, sports, and more. The entertainment business can also include the mass media companies that control the production and distribution of entertainment content.

Entertainment business, outdoor means any business that provides primarily outdoor entertainment of some kind or is involved in the entertainment industry. The entertainment industry includes many sub-industries, such as film, music, television, gaming, sports, and more. The entertainment business can also include the mass media companies that control the production and distribution of entertainment content.

Equipment and supplies rental means the process of renting equipment or supplies for a predetermined period of time; generally by hours, days, weeks, or months.

Financial institution means a company engaged in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange.

Fitness and recreation means a location that provides recreational activities such as a gymnasium, workout center, walking/running trails, or similar such activities.

Flags means any device generally made of flexible materials, such as cloth, and displayed on strings containing distinctive colors, patterns, or symbols.

Flashing sign means an illuminated sign which contains flashing lights.

Freestanding sign means a sign that is placed in the ground and not affixed to any part of any structure.

Garden center means an establishment where plants and gardening equipment are sold.

Gas pumps means a piece of equipment installed in a gas station to dispense gasoline into the fuel tank of a motor vehicle.

Graffiti means unauthorized markings of paint, dye, or other similar substance that have been placed on real or personal property such as buildings, fences, transportation equipment, or other structures, or the unauthorized etching or scratching of the surfaces of such real or personal property, any of which markings, scratching, or etchings are visible from premises open to the public.

Greenhouse means a building, or part thereof, or structure used to grow crops or plants for commercial sale in a controlled environment.

Grocery store means a retail store that sells perishable and nonperishable food supplies and certain nonedible household items, such as soaps and paper products.

Ground grade means the elevation of the ground closest to the sign to which reference is made.

Heliport, minor means a small-scale heliport with minimal facilities that include a marked landing pad, protective fencing, and a wind sock. It is often intended to serve corporate and medical-service helicopters. Certain navigational aids may be provided. Tiedown space for storage is not usually available.

Hospital means an institution providing examination, diagnosis, treatments, and or surgical treatment for patients. Also includes inpatient and outpatient care.

Illuminated sign means a sign that is illuminated by an artificial light source.

Library means a collection of books, periodicals, films and recorded music for people to read, borrow, or refer to.

Loading dock means an area measuring at least 12 feet wide which provides a portal for a truck through the outside wall of a building. The portal could be through a door, which allows the truck to either enter into the building or which allows the truck to the edge of the building or to a dock at the building with a portal into the building.

Lower-potency hemp edible means as defined under Minn. Stat. 342.01 subd. 50.

Manufacturing means uses which include the compounding, processing, packaging, treatment or assembly of products and materials.

Marquee sign means an awning or canopy with removable text, images, or other informational material for the purpose of messaging.

Medical clinic means a health facility that is primarily focused on the care of outpatients.

Microbrewery means a limited-production brewery, typically producing specialty beers and often selling its products only locally.

Microdistillery means a distillery operated and licensed under Minnesota Statutes Chapter 340A.

Monument sign means a sign not supported by exposed posts or poles located directly at the grade where the width dimension of the architecturally designed base is 50 percent or more of the greatest width of the sign face.

Motor vehicle sales, multiple licensed dealer means the sale or trade of new or used motor vehicles or the possession of new or used vehicles for sale or trade at a business location that includes more than one dealer licensed by the State of Minnesota.

Motor vehicle sales, single licensed dealer means the sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade at a business location that includes one dealer licensed by the State of Minnesota.

Multifamily means a building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Multiple tenant building means a commercial building containing two or more tenants.

Municipal facilities means services traditionally provided by local government, including water and sewer, roads, parks, schools, and police and fire protection.

Mural means a design, image, or expression on the exterior of a building, generally for the purpose of decoration or artistic expression, including, but not limited to, paintings, markings, and etchings and does not include any on or off-site advertisement or promotion of a business or product.

Museum means a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

Noncommercial speech means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, or informational topics.

Nursery means a place where plants are propagated and grown to a desired size. Mostly the plants concerned are for gardening, forestry, or conservation biology, rather than agriculture.

Nursing home means a home licensed by the state of Minnesota for the aged or chronically or incurably ill persons in which food, shelter, and care are provided devoted to the treatment of the sick, elderly or injured.

Off-premises sign means a sign that directs attention to a use or activity that is not located upon the premises where the sign is located or to which it is attached.

Office and administrative services means a location primarily for the purposes of providing office space in a professional setting.

Office of Cannabis Management means Minnesota Office of Cannabis Management and may be referred to “OCM” within this section.

On-premises sign means a sign that directs attention to a use or activity that is located upon the premises where the sign is located or to which it is attached.

Outdoor display means an area where goods are displayed and available for sale to the general public which is not a seasonal or holiday-oriented outdoor sale.

Outside storage means the storage, including open storage, of goods, materials, equipment, manufactured products, vehicles, and similar items not fully enclosed by a building, for an indefinite period of time.

Parking lot, private means a privately owned area where cars or other vehicles may be left temporarily.

Parking lot, public means a publicly owned area where cars or other vehicles may be left temporarily.

Parking ramp means a multi-level parking area where cars or other vehicles may be left temporarily.

Pawnshop means the location at which or premises in which a pawnbroker regularly conducts business.

Personal services means a retail business that provides a service rather than a product for sale. Examples of such uses are barbershops, salons, massage studios, body art studios, dry cleaning, laundromat, florist, and photography studios.

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

Preliminary license approval means a State of Minnesota’s Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

Principal use means the main purpose for which land, buildings, or structures are ordinarily used.

Printshop means an establishment where the printing of newspapers, books, and other materials takes place and may include small scale packaging and mailing.

Professional occupation sign means a sign which contains no advertising but is limited to the name, address, contact information, and occupation of the person(s) occupying the building.

Project sign means a temporary sign which identifies a proposed or new development.

Projecting sign means a sign, other than a wall sign, which is supported and projects from more than 18 inches at a right angle from the wall of a building.

Property frontage means the property lines or lease lines at the front of a building in which the business is located or the location of the main public entrance of the building.

Portable sign means a temporary sign constructed to be movable from one location to another and not permanently attached to the ground or to any immobile structure or any device.

Public service sign means any sign primarily intended to promote items of general interest to the community.

Pylon sign means a sign that is mounted on a narrow freestanding pole or other support structure so that the bottom edge of the sign face is above the architecturally designed base.

Recording studio means a facility for sound recording and mixing.

Residential treatment facility means as defined under Minn. Stat. 245.462 subd. 23.

Residential use building means any building where the primary use is to be a dwelling.

Restaurant seating, outdoor means seating for restaurant patrons which is outside of the principal structure.

Restaurants means a place where people pay to sit and eat meals that are cooked and served on the premises.

Retail establishment means an establishment with a single tenant for the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Retail establishment, large means an establishment with a primary tenant for the sale of goods to the public in relatively small quantities for use or consumption rather than for resale. The primary tenant occupies more than 20,000 square feet of retail floor space.

Retail establishment, multi-tenant means an establishment with multiple tenants for the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Retail registration means an approved registration issued by Carver County to a state licensed cannabis retail business.

Roof line means the uppermost line of the roof of a building or, in the case of an extended façade, the uppermost height of said façade.

Roof sign means a sign erected upon the roof of a building or extending above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

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

Scoreboard means a display adjacent to an athletic field for the purpose of providing information of the event taking place within the athletic field area. Items typically displayed include the score, match or game details, and can include a dynamic display.

Screening means a barrier of 80 percent opacity to address visual, light, and sound impacts.

Seasonal outdoor sales mean an outdoor location which sells items, goods, or services which are relative to seasons, holidays, or events. Typical seasonal sales do not exceed 60-days.

Self-storage facility means a facility that rents out individual storage units to the public for storing personal belongings, business inventory, or other items.

Showroom means a room for the purpose of display of goods and products for sale.

Sign means any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, which is displayed outdoors or on a window or on the interior of a building within three feet of a window and clearly visible from the outside of the building for informational or communicative purposes.

Sign area means the entire area within a continuous perimeter enclosing the extreme limits of the sign message and background. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one time. The supports, uprights, or structures in which any sign is supported shall not be included in determining the sign area.

Sign face means the surface of the sign including letters and background upon, against, or through which the message is displayed or illustrated.

Sign structure means the supports, braces, and framework of a sign.

Special event means an event that is outside of the normal or regular activities of the host or participants that is designed to honor, discuss, sell, teach, or influence something or someone and can vary in size, scope, and purpose.

Special event sign means a temporary sign or display erected by a civic organization, or an organization which is sponsored by a civic organization, for the purpose of identifying a specific event.

Specialty repair service means an establishment primarily engaged in specialized repair services such as bicycle, leather goods, locks, jewelry, musical instrument, taxidermy, computer, or typewriter repair.

State license means an approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Street, collector, as defined and/or designated in the city's comprehensive plan, means roadways designed to collect and distribute traffic from neighborhoods and commercial areas and provide a critical link between local streets, which are designed for property access, and minor arterials, which are designed for mobility.

Street, local, as defined and or designated in the city's comprehensive plan, means roadways that serve short trips at low speeds.

Street, minor arterial, as defined and/or designated in the city's comprehensive plan, are roadways that emphasize mobility over land access, serving to connect cities with adjacent communities and the metropolitan highway system.

Street, principal arterial, as defined and/or designated in the city's comprehensive plan, are roadways that are part of the Metropolitan Highway System and provide high-speed mobility between the Twin Cities and important locations outside the metropolitan area.

Street frontage means the linear frontage of a parcel of property abutting a street.

Taproom means a space within, or in a structure adjacent to, a small brewery where malt liquor manufactured by a small brewer holding a license is sold.

Temporary accessory structure means an assessor structure which is intended to be used for a specific purpose for a set period of time before removed.

Temporary displays means temporary displays or features that do not clearly fall into the definition of a sign, but which direct attention to a product, place, activity, business, person, institution, or organization. Temporary displays include three-dimensional shapes, inflatable objects, search lights, and other similar devices.

Temporary sign means a sign for a specific advertisement purpose that is of a limited duration and is not permanently attached to the ground or wall.

Transit station means a parcel or portion thereof that is used for loading and unloading of public transit riders including the platform, station facilities, public open space and park-and-ride lots. The term "transit station" is inclusive of all public transit modes.

Vision clearance triangle means a triangular-shaped area on a corner lot formed by measuring 30 feet each direction from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway, and connecting the lines diagonally across the property, making an approximate 90-degree triangle. The space is defined by a diagonal line across the corner between the points on the street right-of-way line or street-alley right-of-way line measured from the corner.

Wall sign means any sign which is affixed to a wall of any building for the purposes of advertisement or promotion of a business or product.

Wall sign, painted means a sign painted or administered through adhesive tape directly on the exterior wall of a building or structure for the purposes of advertising or promoting a business or product.

Wall surface of building means the total horizontal surface area of the building face to which the sign is attached, including windows and door areas, measured to the extreme outer limits of such wall surface.

Warehousing means the storage of materials or equipment within an enclosed building.

Window means any transparent or translucent glass or similar material that comprises part of the surface of a wall, regardless of its movability. Entire walls of transparent or translucent glass or similar material are excluded from this definition.

Window sign means a sign placed inside the building to be viewed through a window or affixed to a window to be viewed by the public.

Window sign, painted means a sign that is painted on or attached behind or to the front of a window or glass portion of a door.

Zoning administrator means the city's officer or employee as may be designated in writing by the city manager to enforce property or premises maintenance, zoning and other city code violations.

SECTION 2: AMENDMENT "Section 29- Cannabis" of the Victoria Zoning Code is hereby amended with the following:

Sec. 29-1 Administration

A. Findings and purpose.

The purpose of this ordinance is to implement the provisions of Minnesota statutes chapter 342, which authorizes the Victoria City Council to protect the public health,

safety, and welfare of Victoria residents by regulating cannabis businesses within the legal boundaries of the city of Victoria.

The Victoria City Council finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the city of Victoria, that will promote the community's interest in reasonable stability in zoning for now and in the future, and that the provisions are in the public interest and for the public good.

B. Authority and jurisdiction.

The Victoria City Council has the authority to adopt this ordinance pursuant to:

- (1) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (2) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (4) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

C. The Victoria City Council has delegated cannabis retail registration authority to the County of Carver, Minnesota.

- (1) The Victoria City Council reserves the right to adopt any ordinance regulating cannabis if not in conflict with adopted Carver County ordinances or provisions.

Sec. 29-2 Registration of a Cannabis Business

A. Consent to registering of cannabis business.

- (1) No individual or entity may operate a state licensed cannabis retail business within the city of Victoria without first registering with carver county.

Sec. 29-3 Requirement for Cannabis Business

A. Hours of operation.

- (1) Cannabis retailers are limited to the retail sales between the following hours:
 - a. Monday through Saturday, from 8:00 a.m. to 10:00 p.m.
 - b. Sunday, from 11:00 a.m. to 6:00 p.m.
- (2) Bars and restaurants may operate retail sales during the hours in which the establishment is permitted to serve on-sale liquor.

B. Display of products of a cannabis business shall not be visible from the exterior of the business.

C. Licensed businesses must confirm zoning requirements with the city in the event they chose to move locations within the city.

- D. License permitted zoning districts.
 - (1) AG- Agricultural.
 - a. Microbusiness, mezzobusiness, and cultivator.
 - (2) CBD- Central Business District and C-1- Neighborhood.
 - a. Lower-potency hemp edible retailer and cannabis retailer.
 - (3) C-2- Community.
 - a. Lower-potency hemp edible retailer, cannabis retailer, and wholesaler.
 - (4) I-1- Industrial.
 - a. Cultivator, lower-potency hemp edible manufacturer, manufacturer, testing facility, and wholesaler.

Sec. 29-4 Temporary Cannabis Event

- A. A temporary cannabis event permit must be approved by the city of Victoria and comply with city of Victoria requirements and Minn. Stat. 342.39 and Minn. Stat. 342.40.
- B. Temporary cannabis events are restricted to the CBD- Central Business District.
- C. Temporary cannabis events shall only be permitted between the following hours:
 - (1) Monday through Saturday, from 8:00 a.m. to 10:00 p.m.
 - (2) Sunday, from 11:00 a.m. to 6:00 p.m.
- D. The city of Victoria shall have the right to revoke any temporary cannabis event permit if the terms of the permit are violated or if the event or actions during the event are not in compliance with city code.

Sec. 29-5 Enforcement

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

SECTION 3: EFFECTIVE DATE This Ordinance shall become effective upon its passage and publication in accordance with the law.

ADOPTED THIS 9TH DAY OF DECEMBER 2024 BY THE VICTORIA CITY COUNCIL

Ordinance 478 ZC: PASSED AND ADOPTED BY THE VICTORIA CITY COUNCIL MONDAY, DECEMBER 9, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Mayor McMillan	<u>✓</u>	_____	_____	_____
Council Member Evansky	<u>✓</u>	_____	_____	_____
Council Member Gunderson	<u>✓</u>	_____	_____	_____
Council Member Reiff	<u>✓</u>	_____	_____	_____
Council Member Roberts	<u>✓</u>	_____	_____	_____

Presiding Officer:


Debra McMillan, Mayor

ATTEST



Claudia Ettesvold, City Clerk

