

CARVER COUNTY, MINNESOTA
ORDINANCE NO. 108-2024
AMENDING CHAPTER 152 – ZONING CODE

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY
ORDAINS:**

SECTION 1. Strikethrough signifies deleted language and underline is new language. The following sections or Chapter 152, the Carver County Zoning Code, shall be amended as follows:

Carver County, MN Code of Ordinances
CHAPTER 152: ZONING CODE

§ 152.003 AUTHORITY.

- (C) Where the conditions imposed by any provision of the chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail except that all uses legally established under the provisions of Ordinance No. ~~32S97-2021~~ and amendments thereto may continue in the manner established under this chapter. The provisions of this chapter shall not apply until there is a change in use or an increase in the intensity of the established use.

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

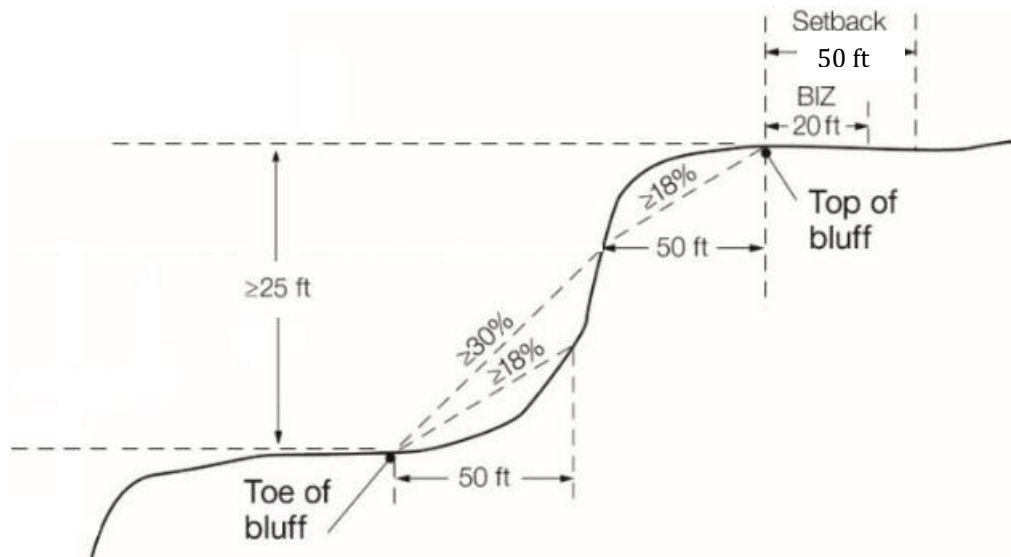
- (A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.
- (1) *Certain classes of property.* This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, partial replacement, restoration, maintenance, or improvement, but not including physical expansion, substantial improvement, complete replacement, and intensification of use. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the

property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of the damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

§ 152.010 DEFINITIONS.

BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) The slope rises at least 25 feet;
- (2) The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent of a distance of at least 50 feet shall not be considered part of the bluff).
- (3)



CANNABIS BUSINESS. Includes any of the following licensed under MN Statutes, Section 342, and as amended from time to time: Cannabis Cultivator, Cannabis Delivery Service, Cannabis Event Organizer, Cannabis Manufacturer, Cannabis Microbusiness, Cannabis Mezzobusiness, Cannabis Retailer, Cannabis Testing Facility, Cannabis Transporter, Cannabis Wholesaler, Medical Cannabis Combination Business, Medical Cannabis Cultivator, Medical Cannabis Processor, and Medical Cannabis Retailer.

CANNABIS CULTIVATOR. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS DELIVERY SERVICE. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS EVENT. A public event organized by a Cannabis Event Organizer.

CANNABIS EVENT ORGANIZER. A person, cooperative or business licensed under to organize a temporary cannabis event and perform other actions approved by the Office of Cannabis Management.

CANNABIS LICENSE HOLDER. A person, cooperative, or business that holds an approved license issued by the State of Minnesota's Office of Cannabis Management.

CANNABIS MANUFACTURER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MEDICAL COMBINATION BUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MEDICAL CULTIVATOR. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MEZZOBUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MICROBUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS PROCESSOR, MEDICAL. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS RETAILER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS RETAILER, MEDICAL. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS TESTING FACILITY. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS TRANSPORTER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS WHOLESALER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

COMPREHENSIVE PLAN. The document entitled Carver County/Townships Comprehensive Plan adopted pursuant to M.S. § 473.864 and M.S. § 394.243 and all amendments thereto.

CONTROLLED ACCESS LOT. A lot used to access public waters or as a recreation area for owners of nonripariean lots within the same subdivision containing the controlled access lot.

FENCING, COMMERCIAL GRADE. Fencing that is at least 6 feet high and obscure, or have a cover that obscures, the fenced area from being readily viewed from outside of the fenced area. Such fencing must be security grade, not agricultural or residential grade, and designed to prevent access to the enclosed area by unauthorized persons.

HOMESTEAD. To own and occupy a single-family residence on a property as defined by the Carver County Assessor's Office, or with property owned by a Limited Liability Company (LLC) registered with the MN Secretary of State's Office, the homestead requirement may be satisfied by a principal of the activity providing proof they are an owner of property, reside at and utilize the single-family residence as their primary domicile, and provide proof of residency.

LOT-CORNER. A lot situated at the intersection of two streets, A corner lot shall have two side lot lines opposite the front lot lines.

LOWER-POTENCY HEMP EDIBLE MANUFACTURER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

LOWER-POTENCY HEMP EDIBLE RETAILER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

MINNESOTA STATE BUILDING CODE. ~~(add definition and refer to Chap. 150)~~ The State Building Code, established under M.S. § 326B, governing the construction, reconstruction,

alteration, repair, and use of buildings and other structures to which the code is applicable and administered by Chapter 150.

~~ONE HUNDRED YEAR~~ ONE PERCENT ANNUAL CHANCE FLOODPLAIN. Lands inundated by the REGIONAL FLOOD.

PARTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement.

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 a magnitude of the 1% annual chance flood ~~or 100-year recurrence interval~~. REGIONAL FLOOD is synonymous with the term BASE FLOOD as used in the Flood Insurance Study.

SOLAR ENERGY BATTERY STORAGE. An accessory use to a Solar Energy System which captures solar energy produced at one time for use at a later time.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes and synonymous with ~~the ONE HUNDRED YEAR FLOODPLAIN~~ that portion of the floodplain subject to inundation by the base flood (1% annual chance) and/or flood-related erosion hazards.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS). Either an individual sewage treatment system or a mid-sized subsurface sewage treatment system pursuant to Chapter 52 and Minn. Rules Chapters 7080, 7081, 7082, and 7083; or successor rules as they are amended from time to time.

§ 152.033 LOT REQUIREMENTS.

(D) *Road frontage, lot width and depth.*

- (1) *Road frontage.* All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.
- (2) *Minimum width.* One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The required minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.

(F) *Use of prime AG land.* Lots of less than 20 acres created for a new residential building site shall contain no more than 2 acres of prime agricultural land under till. No land subdivision involving an existing residential parcel shall result in the parcel containing more than 2 acres of land with prime agricultural soils. The setbacks as required by this chapter shall not be included in the calculation.

§ 152.034 SETBACKS.

(C) Exemptions. The following shall not be subject to setback requirements:

- (1) Chimneys, flues, belt courses, leaders, sills, pilaster, lintels, cornices, eaves, gutters, provided they do not extend more than two feet into a setback area;
- (2) Yard lights and signs provided they are located three feet or more from all lot lines. Luminaires must be full-cutoff or fully shielded. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right-of-way or adjacent residential property and not more than three-foot candles of light intensity is present at a residential property line;

(D) *Table of setback requirements.* All structures unless exempted above; and signs and parking areas near a public right-of-way:

Side Lot Line Setbacks	All Districts	15 feet
Rear Lot Line Setback	All Districts	30 feet
Bluff Setback–All Structures Bluff Impact Zone	All Districts	Structures 50 feet; 100 feet for actively eroding bluffs. The clear-cutting of existing natural vegetation or other disturbance is prohibited.
Front Setbacks		The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.
<u>Wetlands</u>	<u>All Districts</u>	<u>As required by the Carver County Water Management Organization, Minnehaha Creek Watershed District, this chapter, or MN Wetland Conservation Act, as applicable</u>

<u>Setbacks from Ordinary High Water Level in Shoreland District</u>	<u>Setback Required for Structures</u>	<u>Setback Required for SSTS</u>
Natural environment lake	150	as required by Chapter 52
Recreational development lake	100	as required by Chapter 52
General development lake	75	as required by Chapter 52
Agriculture, Urban & Tributary Rivers	100	as required by Chapter 52

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions.

Structures and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with § 152.424118.1 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.

~~All SSTS setbacks are regulated by the SSTS regulations pursuant to Chapter 52~~

* Provision for reduction of front setback: The front setback may be reduced by the Department to the value shown, provided the applicant demonstrates need; and, the responsible road authority submits a statement certifying that the reduction will not impair any planned widening, relocation, repair, upgrading, construction or similar activity.

NOTICE: The SSTS regulations, Chapter 52, feedlot management regulations, Chapter 54, water and wetland rules, Chapter 153, and sign regulations, Chapter 154, of this code of ordinances ~~and water rules~~ contain setback provisions that may affect the placement of buildings and structures. All setback provisions of those chapters must be maintained.

<u>Front Setbacks</u>	<u>The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.</u>			
<u>Future Functional Class of Road as Shown in Roadway Systems Plan Figure 4.13</u>	<u>Setback from Centerline</u>	<u>Reduced Setback*</u>	<u>R-O-W</u>	<u>Reduced R-O-W</u>
Principal arterial not in Shoreland District	145	90	200	130
Principal arterial in Shoreland District	150	Right of Way + 50 ft.	200	130
Minor arterial <u>reliever, connector, expander, or other arterial not in Shoreland District</u>	120	80	150	110
Minor arterial <u>reliever, connector, expander, or other arterial in Shoreland District</u>	125	Right of Way + 50 ft.	150	110
Collector (<u>major & minor</u>) roads not in Shoreland District	95	75	120	100

Collector (<u>major & minor</u>) roads in Shoreland District	110	Right of Way + 50 ft.	120	100
Local roads not in Shoreland District	68	N/A	66	
Local roads in Shoreland District	68	N/A	66	
In a case where the actual R-O-W plus 35 feet results in a greater setback requirement; this greater requirement shall be enforced. Right of Way for County roadways with a Corridor Study shall be designated per the study.				
In a case where a cul-de-sac is present, the front setback shall be measured from the center of the cul-de-sac. No structure shall be closer than 35 feet from the exterior radius of a cul-de-sac.				

§ 152.038 PARKING STANDARDS.

(B) *Parking lot design.*

- (1) Off-street parking areas shall be surfaced to control dust and shall be drained to dispose of all surface water accumulation within the parking area in accordance with the County Erosion Control and Water Management Plan. All surfacing must be completed prior to the occupancy of the structure, unless otherwise approved by the Department and/or County Board of Commissioners.
- (2) Each parking space shall be unobstructed and not less than 9 feet wide and 20 feet in length, plus adequate system of access.
- (3) The grade elevation of any parking area shall not exceed 5% except as approved by the Department.
- (4) Disability accessible parking spaces shall be provided as applicable pursuant to M.S. § ~~468.024~~ 169.346, as it may be amended from time to time.

§ 152.041 SCREENING STANDARDS.

- (A) *Purpose:* The screening of activities conducted under a conditional use permit, interim use permit or variance issued under this chapter may be required as a condition of a permit or variance to break up the visual profile in an aesthetically pleasing manner.
- (B) If screening is required as a condition, the following standards shall be complied with:
 - (1) A planting strip shall consist of evergreens deciduous trees, shrubs and/or plants of a sufficient density to compose a substantially opaque visual screen and reasonable buffer viewed at a ninety (90) degree angle from the planting strip.
 - (2) A planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Land Management Department. An earth berm may be used but shall not be used to achieve more than eight (8) feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.
 - (3) Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings,

sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Planning Department.

- (4) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted eight (8) feet on center or closer.
- (5) Trees and shrubs shall not be planted in the right of way.
- (6) Trees and shrubs shall not be planted in or across any recorded easement.
- (7) All plants required as part of an approved screening plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved screening plan.
- (8) All new plants shall be guaranteed for a full growing season from the time planting has been completed. All plants shall be alive, of good quality, and diseases free at the end of the warranty period or be replaced. Any replacements shall be warranted for a full growing season from the time of planting. The growing season is herein defined as the period from June 1 to September 30.
- (9) Planting operations shall be conducted under favorable weather conditions during one of the following planting seasons as specified herein. For deciduous plant materials, spring planting should occur from April 1 to June 1; and fall planting from September 30 – November 15. For coniferous plant materials, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.
- (10) Any proposed modifications to these landscape requirements must consider a site-specific design solution if site conditions are deemed appropriate and other functional requirements (screening, etc.) are met.
- (11) Financial surety pursuant to the Carver County Fee Schedule may be required to insure the establishment of the required screening. If required, the following standards shall apply:
 - (a) The responsible party shall provide acc for the performance of the work described and delineated on the approved landscape plan and any related remedial work.
 - (b) The acreage on which the financial surety is calculated is based on the width of a 10-foot wide planting strip multiplied by the length of installation of the planting material or total length of berm.
 - ~~(b)~~(c) The form and conditions of the surety shall be as follows:
 1. Deposit, either with the county or a responsible escrow agent, cash escrow. The financial assurance must be in a form acceptable to the county and from a surety licensed to do business in the State of Minnesota.
 2. The financial assurance shall be in favor of the county and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including this chapter, and the payment when due of any fees or other charges authorized or required by the permit and this chapter. The financial assurance shall state that in the event the conditions of the financial assurance are not met, the county may make a claim against it. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or these rules.

3. If at any time during the course of the work or the initial two growing seasons the financial surety amount falls below 50% of the required deposit, the responsible party shall make another deposit in the amount necessary to restore the cash deposit to the required amount.
4. If the responsible party does not bring the financial surety back up to the required amount within seven days after notification by the county that the amount has fallen below 50% of the required amount the county may take such legal action as specified in section 152.999 of this ordinance.
5. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or this chapter.
6. The county may use funds from this surety to finance remedial work undertaken by the county or a private contractor and to reimburse the county for all costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees under the following circumstances:
 - i. The responsible party ceases land altering activities and abandons the work site prior to completion of the screening plan;
 - ii. The responsible party fails to conform to the screening plan as approved by the county;
 - iii. The screening techniques utilized under the screening plan are not maintained during site construction, for the initial two growing seasons after being planted; or
 - iv. The responsible party fails to reimburse the county for corrective action.
7. The surety deposited with the county for faithful performance of the screening plan and any related remedial work to finance necessary remedial work shall be released after the practices identified in the screening plan have been installed, two full growing seasons have elapsed from the time of planting, and a final inspection has been completed by the county.
8. The county may return a portion of the financial surety submitted to assure performance if the county determines that the entire amount is no longer required to ensure compliance with permit conditions and rules.

“A” AGRICULTURE DISTRICT REGULATIONS

§ 152.071 ANIMAL AGRICULTURE.

- (A) Animal agriculture shall be conducted in accordance with the county feedlot regulations.
- (B) New feedlots shall not be located within a Shoreland District. Existing feedlots shall be operated in a Shoreland District under a conditional use permit.
- (C) New feedlots shall not be located within a Floodplain District.
- (D) Existing feedlots in a Shoreland District shall not be expanded above 999 animal units. Existing feedlots in a Floodplain District shall not be expanded.
- (E) In cases where the feedlot regulations require a conditional use permit, the permit shall be considered under the provisions of this chapter.
- (F) The establishment of a new feedlot of 50 or more animal units on a parcel of less than 40 acres shall require the issuance of a conditional use permit pursuant to this chapter.

- (G) The animal unit density of a feedlot shall be limited only by the provisions of the feedlot permit, the county feedlot management regulations, or other provisions of this section. A feedlot operated under or as part of a conditional use permit may be further regulated by the conditions of the permit in addition to the provisions of the feedlot permit.
- (H) Animal density regulations. These regulations apply to lots of less than 20 acres unless otherwise regulated by this chapter or the county feedlot management regulations. A manure-handling plan may be required when there are any domestic animals other than customary household pets.
- (1) On lots of less than 1½ acres, only dogs, cats, and other animals customarily kept as pets, are permitted. Ten or fewer fowl shall be permitted and not considered livestock.
 - (2) On parcels of at least 1½ acres, but less than 2.4 acres, one animal unit is permitted.
 - ~~(4)~~ (3) On parcels of 2.4 to 5 acres, one animal unit per acre is permitted, with the number of acres rounded up to the nearest whole number.
 - (4) On lots of greater than 5 acres and less than 20 acres, the number of animal units is limited only by the provisions of Chapter 54, the provisions of this chapter, and any other applicable county ordinances.
 - (5) Dogs, cats and other animals customarily kept as pets are not subject to the animal density regulations.
 - (6) On any parcel where there are animals and a feedlot certificate is not required, manure must also be handled in an environmentally sound and nuisance free manner pursuant to MN Rules Chapter 7020, and all applicable regulations listed in Chapter 54 of the County's Code of Ordinances.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

- (F) Swimming pools, provided the pool is:
- (1) Not located under any power line;
 - (2) Located so that water from the back flushing of a filter or draining the pool is naturally filtered before reaching a stream or lake;
 - (3) Located so that water from the back flushing of a filter or draining the pool will not flow on neighboring property unless there is written permission from the adjoining property owners and the agreement is recorded.
 - (4) Located so that the pool basin does not encroach upon a required structure setback.

§ 152.074 ACCESSORY USES AND STRUCTURES REQUIRING AN ADMINISTRATIVE SPECIAL USE PERMIT.

- (B) *Activities requiring a special use permit.*
- ~~(1) Personal storage structures of 2,000 square feet or less on parcels of 20 acres or more, provided a building eligibility is available and the landowner submits an affidavit or proper surety stating the single-family dwelling will be constructed within two years of the issuance of the certificate of compliance.~~
 - (2)(1) Agricultural structures that include an accessory structure and/or personal storage component on parcels of 20 acres or more, provided the agricultural structure,

- accessory structure and/or personal storage sizes and uses meet the standards of this chapter and are constructed in accordance to Minnesota State Building Code.
- ~~(3)~~ (2) Driveway construction and associated land preparation prior to issuance of a residential building permit provided a building eligibility is available. A survey of affected property lines shall be obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.
- ~~(4)~~ (3) Grading, excavating, or filling of 400 cubic yards or more but less than 10,000 cubic yards for one project including, but not limited to landscaping, excavation, site preparation for building and similar activity and land improvements. An administrative permit is not required when a Carver County Water Management Organization or Minnehaha Creek Watershed District permit has been issued for the project. A survey of affected property lines shall be obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.
- ~~(5)~~ (4) Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state. If the project is not temporary in nature, then the applicant must apply for a conditional or interim use permit.
- ~~(6)~~ (5) Occasional special events not to exceed three requests per year for any parcel of land. Gatherings or events, ~~typically one or~~ for a maximum of two days in length, which are open to or accessible by the general public. The County Board must approve the issuance of the permit. For the purpose of this section, an event permitted by the County Parks Department which takes place within a county park is exempt from this provision.
- ~~(7)~~ (6) Contractors' yards existing prior to January 1, 1989 are allowed to remain but not expand, pursuant to a certificate of compliance provided the applicant submits verifiable proof that his or her contractor's yard was in existence on the date.
- ~~(8)~~ (7) Spreading of petroleum contaminated soil. Soil that has been determined by the Minnesota Pollution Control Agency to be contaminated with petroleum may be land spread upon issuance of permit pursuant to this provision. The following additional criteria also apply to this provision:
- (a) The MPCA has issued or has indicated that it will issue a permit for the land spreading of contaminated soil on the proposed site;
 - (b) The affected township or townships approve the issuance of the permit. Approval shall have occurred at a town board meeting. All property owners within ½-mile of the proposed site shall be given notice that the matter is to be considered at the town board meeting;
 - (c) The Carver County Environmental Services Department has reviewed and approved the proposal. The Director of Environmental Services may impose conditions upon the permit;
 - (d) The County Board of Commissioners must approve the application prior to approval.
- ~~(9)~~ (8) Temporary home or emergency dwelling. An interim home or emergency dwelling (such as, travel trailer) may be temporarily located on a parcel for the purpose of housing the property owners while they are constructing a permanent home provided:
- (a) Temporary homes require the following:

1. The property owner must obtain building and SSTS permits for construction of a permanent home;
 2. A building permit must be obtained for the temporary home. The temporary home is not required to be attached to a permanent foundation and may be less than 20 feet in width but it must meet the applicable requirements of the building code;
 3. An SSTS must be installed in accordance with Chapter 52 of this code of ordinances prior to occupancy of the temporary home;
 4. There must be a water supply meeting the state plumbing code available for the temporary home;
 5. The temporary home must be removed within two years of issuance of the building permit for the permanent home;
 6. The temporary home must be removed from the parcel within thirty days of issuance of a certificate of occupancy for the permanent home.
- (b) Emergency dwellings require the following:
1. A travel trailer, motor home or similar dwelling is needed in an emergency situation (such as, fire, tornado) and when the length of time the temporary home will be needed would typically be less than 180 days;
 2. The landowner is in the process of obtaining building and SSTS permits (if needed) for the construction or repair of the permanent home;
 3. The property owner must obtain approval by the Department and Building Official for occupancy of any temporary trailer;
 4. The temporary manufactured home must be unoccupied within 30 days of issuance of a certificate of occupancy for the permanent home.
- (40) (9) Roadside stands less than 200 square feet for the sale of horticultural products grown on the premises or grown by the owner of the roadside stand, on a seasonal basis, that has a “pick your own” component with an operational area accessed by the public greater than two acres in size, provided sufficient off-street parking is available.
- (44) (10) Biomass systems on parcels with an existing single-family home provided installation is solely used by/for home/farmstead.
- (11) Cannabis Event. A Cannabis Event shall be subject to the following provisions:
- (a) The event shall be for a maximum of two days in length that are open to the public and shall not occur more than three times per year on the same parcel of land.
 - (b) The County Board must approve the issuance of the permit.
 - (c) The event location shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care facility, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - (d) The cannabis event organizer and all cannabis license holders operating at the event shall adhere to state licensing standards and Office of Cannabis Management rules.
 - (e) The cannabis event shall take place on a parcel of at least five acres in size.

§ 152.078 CONDITIONAL USES—ADDITIONAL DENSITY OPTIONS.

(C) High amenity areas.

~~(4)~~(6) Minimum conditions of high amenity lots:

- (a) The keeping of animals, with the exception of dogs, cats, and similar animals kept as household pets, and fewer than 10 fowl, is prohibited on any residential lot.

§ 152.079 CONDITIONAL/INTERIM USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(C) Activities allowed as a conditional use.

(D) Activities allowed as an interim use.

(1) Cannabis Business, Lower-Potency Hemp Edible Manufacturer.

- (a) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration requirements established by ordinance. The license standards include, but are not limited to, Office of Cannabis Management rules regarding security, standard operating procedures, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.
- (b) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field; or within 500' of a neighboring residence not on the same parcel of property existing at the time of application for the permit.
- (c) All exterior lights on a parcel with a cannabis business shall be shielded or use a hood and lens that cast light downward to minimize the amount of light cast onto adjacent properties or upward into the night sky.
- (d) All outdoor growing areas shall be surrounded by a commercial grade fence at least six feet in height.
- (e) The operational area of the business shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (f) These standards do not apply to Cannabis Retailer, Lower-Potency Hemp Edible Retailer, Medical Cannabis Cultivator, Medical Cannabis Combination Business, Medical Cannabis Retailer, and Cannabis Testing Facility license holders. The land use standards for these cannabis businesses are regulated by §152.080 and §152.098.

§ 152.080 CONDITIONAL/INTERIM USES—LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.

(C) Activities allowed as a conditional use.

(D) Activities allowed as an interim use.

(1) Medical Cannabis Cultivator, Medical Cannabis Combination Business, Cannabis Testing Facility subject to the following criteria:

- (a) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration

requirements established by ordinance. The license standards include, but are not limited to, Office of Cannabis Management rules regarding security, standard operating procedures, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.

- (b) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field; or within 500' of a neighboring residence not on the same parcel of property existing at the time of application for the permit.
- (c) No other cannabis businesses shall be located at the property.
- (d) All outdoor growing areas shall be screened from public view and surrounded by a commercial grade fence at least six feet in height.

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

- (A) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).
 - (1) Mining and/or land reclamation involving 10,000 cubic yards or more and no Carver County Water Management Organization or Minnehaha Creek Watershed District permit has been issued when the project involves relocation of more than 10,000 cubic yards of material from the site (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).

RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

(B) *Adult uses.*

- (1) A conditional use permit shall be required for the establishment of an adult use business pursuant to Chapter 113 of the Carver County Code. A conditional use permit pursuant to this provision shall not be issued until the proposed adult use has an approved provisional adult use license pursuant to Chapter 113. In considering a conditional use permit pursuant to Chapter 113 of the Carver County Code:
 - (a) Only the definite, objective guidelines and standards of §§ 152.245 through 152.254~~2~~ apply; and
 - (b) No general health, safety and welfare requirements shall apply, as adult use businesses as defined in Chapter 113 are protected by the First Amendment of the United States Constitution.
- (2) The requirements of this chapter which may not be constitutionally applied shall be severed from the requirements which may be constitutionally applied and those applicable shall remain in full force and effect.

§ 152.098 INTERIM USE PERMITS.

Within the Rural Service Districts, interim use permits may be issued for the following: Cannabis Retailer, Medical Cannabis Retailer, Lower-Potency Hemp Edible Retailer. An interim use permit for the establishment of these businesses shall be required, pursuant to MN Statutes, Section 342 and to the following conditions:

- (1) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration requirements established by ordinance. These standards include, but are not limited to, Office of Cannabis Management rules regarding security, standard operating procedures, hours of operation, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.
- (2) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (3) The business shall be located on a parcel of 2 acres or more in size.
- (4) All buildings utilized by the operation must meet the State Building Code.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.

§ 152.0989 SERVICE LEVEL.

Uses permitted pursuant to this subchapter must be able to operate within the context of the level of services available in the Rural Service District.

§ 152.115.1 LAND USES BY LAKE, RIVER AND STREAM CLASSIFICATIONS

Shoreland district land uses listed in Sections 152.115.1 are regulated as:

- (A) Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
- (B) Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in § 152.113 and any additional conditions listed in this ordinance; and
- (C) Interim uses (I). These uses are allowed through an interim use permit. The use must be evaluated according to § 152.245 of this ordinance and any additional conditions listed in this ordinance; and
- (D) ~~(C)~~Not permitted uses (N). These uses are prohibited.
- (E) ~~(D)~~Land Uses for lake classifications:

Land Uses	General Development	Recreational Development	Natural Environment
Single residential	P	P	P
Commercial	C	C	C
Parks & historic sites	C	C	C

Public, semipublic	C	C	C
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots: New	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C
Mining	<u>C</u>	<u>C</u>	<u>C</u>

(E)(F) Land uses for stream/river classifications:

Land Uses	Agriculture	Tributary
Single residential	P	P
Commercial	C	C
Parks & historic sites	C	C
Public, semipublic	C	C
Agricultural: cropland and pasture	P	P
Agricultural feedlots: New	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C
Mining	<u>C</u>	<u>C</u>

§ 152.118.2 MINING STANDARDS.

§ 152.118.2 Mining Standards. Extractive uses are ~~conditional~~ interim uses and must meet the following standards:

- (A) Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operations. The plan must:
 - (1) Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - (2) Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - (3) Clearly explain how the site will be rehabilitated after extractive activities end.
- (B) Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.
- (C) Must meet the provisions of Minnesota Statutes, Sections 93.44 to 93.51.

§ 152.134 ADMINISTRATION.

(D) *Variances*. Variances may only be granted in accordance with ~~Minnesota Statutes § 152.153~~ of this ordinance and are subject to the following:

- (1) A variance may not circumvent the general purposes and intent of this ordinance; and
- (2) For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for

variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.