

ORDINANCE 223
AN ORDINANCE OF THE CITY OF BIRD ISLAND AMENDING ZONING ORDINANCE
153 TO REGULATE SMALL BOX STORES

Section 1. Intent and Purpose: The City of Bird Island regulates the zoning within the community to protect the public health, safety and general welfare of the people through the establishment of minimum regulations governing land development and use.

Section 2. Research: The Bird Island Economic Development Authority (EDA) has studied the possible construction of small box stores within our community, and their possible impact on established local businesses.

Section 3. Recommendation: The EDA completed their research and are recommending the addition of regulations to Zoning Ordinance 153 to regulate the construction of small box stores.

NOW, THEREFORE, THE CITY COUNCIL OF BIRD ISLAND, MINNESOTA hereby approves the addition to and amendments of Zoning Ordinance 153 to read as follows:

A. Article XIV, Section 14, Definitions: (ADD) **SMALL BOX STORES**

14.165(a). A small box store is defined as a store of 12,000 square feet or less which sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverage for off-premise consumption, household products, personal grooming and health products, and other consumer goods.

14.165(b). Small box stores do not include retail stores that: (a) dedicates at least 15% of shelf space to fresh or fresh frozen food; (fresh or frozen food means food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.); or (b) dedicates less than 2% of shelf space to food of any kind; or (c) contains a prescription pharmacy, or (d) offers for sale gasoline or diesel fuel, or (e)

offers items generally at a cost of \$10 or more, or (f) sells primarily second-hand items, antiques, or homemade items.

B. Article XI, Section 11.03, B-1 Central Business Districts, Uses Requiring Conditional Use Permits (ADD)

F. Small Box Stores, which must be, at a minimum, 250 feet from residential districts and 2640 feet (1/2 mile) from an existing retail store that dedicates more than 15% of its shelf space to fresh meats, fruits, and vegetable or within 2640 feet (1/2 mile) of another Small Box Store.

C. Article XII, Section 12.02, B-2 Highway Commercial Districts, Uses Requiring Conditional Use Permits (ADD)

G. Small Box Stores, which must be, at a minimum, 250 feet from residential districts and 2640 feet (1/2 mile) from an existing retail store that dedicates more than 15% of its shelf space to fresh meats, fruits, and vegetable or within 2640 feet (1/2 mile) of another Small Box Store.

Section 4. Effective Date: A summary of this Ordinance shall be published in the official newspaper of the City, and the complete Ordinance shall be in full force and effect from after the date of its adoption and publication.

Adopted by the City Council on this 12th day of December, 2022.

BY: Julie Sander
Julie Sander, Mayor

Attest: Deb Lingl
Deb Lingl, City Administrator