

**THE CITY OF LEXINGTON
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. 23-05

**AN ORDINANCE TO REVISE CHAPTER 11 – ZONING
REGULATION OF SUBSTANCE ABUSE CLINICS**

WHEREAS, the Planning and Zoning Commission considered the adoption of these revisions to Chapter 11 of the Lexington Code of Ordinances during a public hearing held on October 10, 2023, and did RECOMMEND the ordinance revisions set forth herein.

THE CITY COUNCIL OF LEXINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 11.02 of the Lexington Code of Ordinances, shall reflect the following changes:

“CLINIC, *MEDICAL/DENTAL.*” - ~~A building~~Any establishment in which a group of physicians, dentists, and/or allied professional assistants are associated for carrying on their profession. The clinic may include a dental or medical laboratory but shall not include in-patient care or operating rooms for major surgery.

“CLINIC, *SUBSTANCE ABUSE TREATMENT.*” Any establishment treating opioid or related addictions as regulated to Minn. Stat. Sec. 245A.192 or subsequent revisions to this statute.

Section 2. That Section 11.33 of the Lexington Code of Ordinances, shall reflect the following changes:

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
B-1			
Limited Business	Professional & Business Office Retail Shops (2,000 S.F)	Surface Parking Signs	School (Public) Farmers Market
Limited Retail and Services to meet daily needs of residents	Pharmacy		Veterinary Clinic
	Day Care Facility		Churches
	Personal Service		Entertainment
	Small Appliance Repairs		Adult Uses
	Medical/Dental Clinic		<i>Substance Abuse Treatment Clinic</i>
	Public Utility Structures		
	Government Buildings		
	Farmers Market		
B-2			

	As permitted in B-1 Ord. 05-09		Major Auto Repair
Highway & Business Services	Fast Food & Family Restaurant	Signs	Print Shop
Highway Oriented Commercial Development Restricted to a low building profile	Motel	Surface Parking	Machine Shop
	Retail Shops		Gasoline Pumps
	Minor Auto Repair		Automotive Sales Lot
	Car Wash		Veterinary Clinic
	Farmers Market		Tattoo Parlor
	Convenience Food Store		Welding/Fabrication
	Liquor Stores		Automotive Sales Lot
	Lodge		Day Care Facility
	Medical/Dental Clinic		Substance Abuse Treatment Clinic
	Public Utility Structures		
	Bar		
	Government Buildings		
	Fire Station		
B-3			
Central Business	Shopping Center	Parking	Indoor Amusement Center
Downtown business supporting a strong central business district while enhancing the overall character of the community	Retail Shops and Stores Restaurants with or w/o bar Entertainment Financial Institutions w/o drive-in	Surface or Structure	Automotive Sales Lot Gasoline Pumps Veterinary Clinic
	Medical/Dental Clinic		Substance Abuse Treatment Clinic
	Grocery Stores (10,000 S.F.+)		
	Personal Services		
	Health/Recreation Club		
	Fast Food Restaurant as part of complex		
	Public Utility Structures		

Section 3. That Section 11.40 of the Lexington Code of Ordinances, shall reflect the following changes:

SECTION 11.40. ORDINANCE REGULATING SUBSTANCE ABUSE TREATMENT CLINICS.

- 1. Purpose and Intent. The purpose of this Section is to set forth the land use and licensing requirements for clinics that provide treatment for addictive drugs or alcohol in order to protect the general health, safety and welfare.***

- a. *Findings and Provisions. It is the purpose of this Ordinance to regulate clinics that provide treatment for addictive drugs and alcohol in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations.*
- b. *Clinics or other facilities providing treatment for addictive chemicals and alcohol, in particular, those clinics treating opioid or related addictions under Minn. Stat. Sec. 245A.192, play an essential role in providing treatment and support for individuals with opioid addiction, aiming to reduce the harm associated with substance abuse, and improve overall community well-being. The presence and operation of these clinics can also have negative impacts. These negative impacts include.*
 - i. *Crime and Public Safety: Potential for increased crime rates, loitering, or illicit drug activities in the vicinity of these clinics.*
 - ii. *Drug-related Crimes: The illegal drug trade and related activities, such as drug dealing or the presence of individuals seeking to buy or sell drugs, have occurred in the vicinity of these clinics.*
 - iii. *Prescription Fraud: These clinics dispense medication to their patients, and prescription fraud can occur when individuals attempt to obtain drugs like methadone illicitly or forge prescriptions for medications. This can lead to crimes such as identity theft, prescription forgery, or illegal distribution of methadone or related prescription drugs.*
 - iv. *Property Crimes: Instances of property crimes such as theft, burglary, or robbery have occurred in the vicinity of these clinics. Some individuals struggling with addiction may resort to these activities to fund their substance use or due to financial difficulties associated with their condition.*
 - v. *Traffic and Parking: Increased traffic and parking congestion caused by the influx of patients attending the clinic.*
 - vi. *Property Values: The presence of these clinics can have a negative impact on property values.*
 - vii. *Environmental Impact: Improper disposal of medication or waste related to the operation of a clinic may raise environmental concerns, particularly if it poses a risk to local water sources or wildlife.*
 - viii. *Community Integration: These clinics often face opposition from community members who resist the integration of such facilities in their neighborhoods. This resistance can stem from various factors as stated above and also fears of the unknown, concerns about the clinic's impact on the community's character, or biases against individuals with substance use disorders.*

- c. Based upon these findings, the Council believes that effective regulation, security measures, and collaboration with local law enforcement can help address and prevent potential problems stemming from the operation of these clinics. The following regulations are necessary to address these needs of the community.*
- 2. Scope of Regulation. This Section regulates medical clinics or other facilities providing treatment for addictive chemicals and alcohol, in particular, those clinics treating opioid and related addictions, or providing care as regulated under Minn. Stat. Sec. 245A.192. For purposes of land use regulation, clinics regulated by this Section are designated as a “medical clinic.”*
- 3. Performance Standards & Regulation. Clinics regulated by this Section shall adhere to those conditions found appropriate by the Planning and Zoning Commission, and no less than the following.*
 - a. Land Use. No clinics may operate except in zoning districts approved for medical clinics. In zoning districts where medical clinics are designated as a conditional use, the City may choose to govern clinics regulated by this Section either as a conditional use or as an interim use pursuant to City’s Code of Ordinances or State law. Regulations contained in this Section shall be imposed as a condition of any land use permit regulating a clinic.*
 - b. Location. No clinic shall be located less than 1000 feet from the nearest property line of any land in a residential zone. No clinic shall be located less than 1000 feet from the nearest property line of any school, day care, library, park, playground, bus stop, public recreational facility, religious institution, or any location where children or vulnerable persons congregate. Measurements shall be made in a straight line, without regard to City boundaries intervening structures or objects, from the nearest point of the actual clinic premises.*
 - c. State and Federal Regulation. No clinic may operate except as specifically authorized by State and Federal law, permit, or license. The clinic shall disclose the effective status of such permits or licenses to the City.*
 - d. Security Measures. A clinic shall operate under a security plan approved by the Chief of Police and the Zoning Administrator. This plan shall account for impacts from the clinic which may occur on and off the premises of the clinic; including hours and days of clinic operations. This plan shall be monitored for compliance by the City.*
 - e. Traffic & Park Control. A clinic shall operate under a traffic and parking control plan approved by the Chief of Police and the Zoning Administrator. This plan shall account for impacts from the clinic which may occur on and off the premises of the clinic. This plan shall be monitored for compliance by the City.*
 - f. Community Relations. A clinic shall develop and operate under a community relations plan that is specific to the configuration and needs of the program within the community and includes but is not limited to the following actions:*

- i. *Establish a liaison with community representatives to share information about the program, the community, and mutual concerns and issues.*
 - ii. *Identify program personnel who will function as community relations coordinators and define the goals and procedures of the community relations plan.*
 - iii. *Serve as a community resource on substance use and related health and social issues as well as promote the benefit of medication-assisted treatment in preserving the public health.*
 - iv. *Solicit community input about medication-assisted treatment and the program's presence in the community.*
 - v. *Develop program policies and procedures to effectively address or resolve community problems (including patient loitering and medication diversion) and ensure that program operations do not affect community life adversely.*
 - vi. *Document community contacts and community relations efforts and evaluate the effectiveness of activities over time in addressing outstanding problems or deficiencies.*
 - vii. *Develop communication mechanisms that provide interested parties and potential patients with general information about the program outside of regular operating hours.*
- g. *Voluntary and Involuntary Program Closure. A clinic, through State authorities and the City, must establish procedures that ensure continuity of care for patients in the event of either a voluntary or involuntary closure of their programs or loss of as land use permit or other violations performance standards related to the operation of a clinic. The closure plan should include standards for closure of the clinic, and steps for the notification and orderly transfer of patients, records, and assets to other programs or practitioners and the procedure for securing and maintaining patient records for a specified period of time in accordance with state and federal regulations.*
- h. *Excessive Consumption of Municipal or Law Enforcement Services. A clinic shall reimburse the City for costs related to the use of municipal services or excess use of services under Chapter 17, User Charge For Excessive Consumption Of Law Enforcement Services. A clinic shall maintain escrow or security with the City in amount no less than \$1,000 for reimbursement of these costs.*

Section 4. Summary Publication

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lexington, due to the lengthy nature of this Ordinance, has directed that this title and summary be prepared for publication pursuant to Minn. Stat. 412.191, Subd. 4

The Council finds that the following text clearly informs the public of the intent and effect of this Ordinance and hereby approves the following summary text for publication:

“SUMMARY PUBLICATION OF ORDINANCE 23-05.

AN ORDINANCE REVISING CHAPTER 11 REGARDING A ZONING ORDINANCE REGULATION OF SUBSTANCE ABUSE TREATMENT CLINICS, was approved by the Lexington City Council on 11/2/2023. This Ordinance updated zoning regulations for medical, dental, and substance abuse clinics.

NOTICE: the full text of Ordinance 23-05 are available for public inspection at Lexington City Hall located at 9180 Lexington Avenue, Lexington, MN 55014, during regular office hours.”

Section 5. Effective Date. This ordinance takes effect upon its adoption and publication.

ADOPTED after a first reading on October 19, 2023, and with a second reading and a unanimous vote of the City Council of the City of Lexington, Minnesota, this November 2, 2023.

Gary Grote, Mayor

ATTEST:

Bill Petracek, City Administrator

Published in the Quad Press on _____, 2023.