



July 26, 2024

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

SUBJECT: Adult-Use Cannabis Zoning Amendments

SUMMARY

The proposed cannabis zoning ordinance amendments are in response to MN Session Law Chapter 63, which legalized adult-use cannabis and established a regulatory framework over the cannabis industry through the State of Minnesota's Office of Cannabis Management. The Office of Cannabis Management (OCM) is expected to begin licensing cannabis businesses in early 2025. The proposed amendments herein focus on permitted cannabis business locations, Zoning Code definitions and standards, and distance requirements.

MEMO SECTIONS

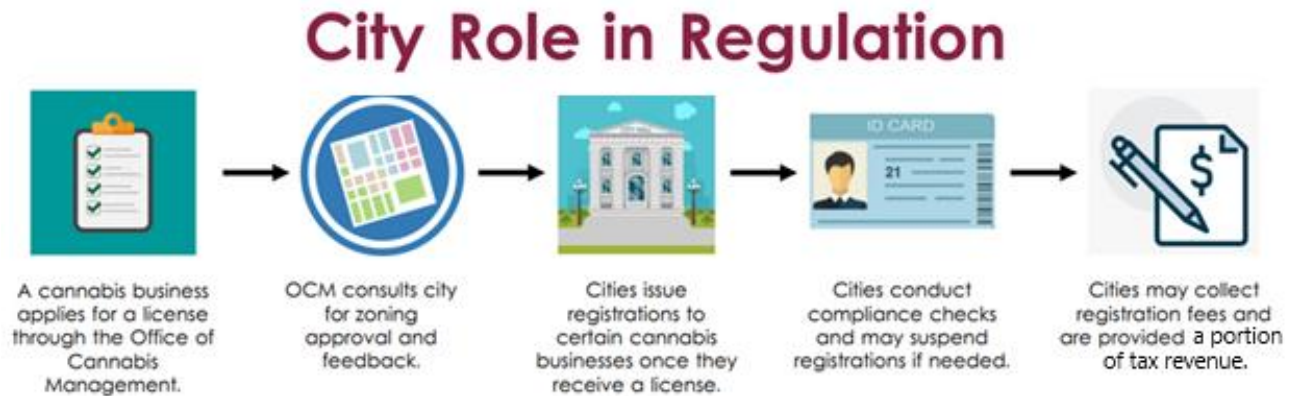
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1. BACKGROUND

A new Minnesota Law enacted at the end of the 2023 legislative session, Minnesota state statute chapter 342, legalizes the possession, use, manufacturing, and sale of certain cannabis products within the State. The Law also establishes the OCM to enforce a licensing system throughout the State and establishes expungement procedures for certain individuals previously convicted of cannabis-related crimes. Under the State Law, local governments may register cannabis businesses and enforce certain zoning regulations within their jurisdiction, but they may not require additional licensing of cannabis businesses. Below are additional considerations related to local cannabis businesses:

- A local government unit **may**, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents. **There is no upper limit or cap imposed by the State on the number of cannabis retail businesses.**
- A **tax equal to 10%** of gross receipts from retail sales of taxable cannabis products will be imposed on any taxable cannabis product retailer that sells cannabis products to customers. (League of Minnesota Cities)
- Revenues from the retail sales of cannabis products will be divided, with 80% going to the general fund and 20% to the local government cannabis aid account. **Cities will receive 50% of the amount certified to the local government cannabis aid account.** (League of Minnesota cities)
- Half of the amount certified in the cannabis local government aid fund will go to cities. **Cities will receive a distribution proportional to the number of cannabis businesses located in the city** as compared to the number of cannabis businesses in all cities. (League of Minnesota cities)

The new Law creates 16 cannabis and hemp license types through the OCM, which represent land uses for which cities need to accommodate within their jurisdictions by amending existing zoning definitions and standards, creating new definitions and standards, or through zoning administrator interpretations. The following diagram illustrates the role of cities in regulating cannabis businesses:



Graphic from the League of Minnesota Cities

On December 13, 2023, the City Council passed resolution 23-1829, directing staff to consider amendments to chapters 63, 65, 66 of the Zoning Code relating to cannabis cultivation, manufacturing, and the sale of cannabis flower and other cannabis products, and potential distance requirement standards for cannabis businesses.

2. PUBLIC HEARING SUMMARY AND REVISIONS:

On April 12, 2024, the Planning Commission released the Adult-Use Cannabis Zoning Study for review and public comment. Staff contacted all district councils and offered to give presentations on the research and the proposed amendments. The Greater East Side, Union Park, and North End district councils all requested staff presentations. On June 7, 2024, the Planning Commission held a public hearing and the public comment period remained open until the following Monday afternoon.

In total, four written comments were submitted online and three people spoke in-person at the public hearing. One of the written comments was submitted by someone who also spoke at the public hearing meeting. Of the 17 district councils, only one - Union Park - submitted written comments against the proposed amendments and in favor of more strict zoning regulation.

Three of the written comments, including Union Park's, and two of the speakers from the Association for Nonsmokers-Minnesota (ANSR) were against the proposed amendments. Generally, their comments advocated for the following changes to the proposed amendments:

1. Restricting hours of operation to the maximum restrictions allowed.
2. Limiting the number of cannabis retailers to the minimum allowed.
3. Restricting locations of retailers and other cannabis businesses to the maximum distance from schools and similar land uses allowed by the state.

Two commenters were in favor of the proposed amendments as drafted. These commenters were both potential cannabis business owners and are interested in starting a future cannabis business in Saint Paul.

In addition to the testimony from received from members of the public, additional amendments are recommended based on changes in state law and feedback from staff from partner agencies and other city departments. These additional amendments related to:

1. Requiring cameras for cannabis retail uses.
2. Restricting the use of "volatile solvents" in "limited production and processing" cannabis manufacturing processes outside of industrial districts.
3. Adding cultivation as an accessory use to colleges and universities.
4. Prohibit Cannabis retail uses from sharing a primary entrance with cannabis retail uses.
5. Creating a parking maximum for cannabis retail.

This memo has been revised from the original memo and amendments released for public review, to reflect the changes that have been recommended by the Comprehensive and Neighborhood Planning Committee.

3. GENERAL AMENDMENT APPROACH

The business activities for the 16 new cannabis license types were found to be substantially similar to a number of existing uses in the Zoning Code. The general approach being proposed is amending existing uses whenever possible rather than creating new land use definitions and standards. Additionally, this approach does not create a distinction between medical cannabis businesses and recreational cannabis businesses within the Zoning Code. The recommendations include one new definition and a distance requirement standard for "Cannabis retail," amendments to existing uses to accommodate 14 of the license types, and no Zoning Code amendments to accommodate "Cannabis event organizer" or "Cannabis wholesaler" licenses. The

following chart summarizes the cannabis businesses activities for the Office of Cannabis Management’s license types:

License Type	Business Activity					
	Retail Sales	Wholesale	Cannabis Cultivation	Cannabis Product Manufacturing	On-site Consumption	Other Activity
Cannabis Microbusiness	X	X	X	X	X	
Cannabis Mezzobusiness	X	X	X	X		
Cannabis Cultivator		X	X			
Cannabis Manufacturer		X		X		
Cannabis Retailer	X					
Cannabis Wholesaler		X				
Cannabis Transporter						X
Cannabis Testing Facility						X
Cannabis Event Organizer						X
Cannabis Delivery Service						X
Medical Cannabis Cultivator		X	X			
Medical Cannabis Processor		X		X		
Medical Cannabis Retailer	X					
Medical Cannabis Combination Business.	X	X	X	X		
Lower-potency Hemp Edible Manufacturer				X		
Lower-potency Hemp Edible Retailer	X				X	

4. CANNABIS RETAIL

There are five license types that allow cannabis and hemp retail (Cannabis Microbusiness, Cannabis Mezzobusiness, Cannabis Retailer, Medical Cannabis Retailer, and Medical Cannabis Combination Business), and one license that only allows hemp product retail (Lower-potency Hemp Edible Retail). One new land use definition and accompanying standards for cannabis retail, and one amendment to hemp retail businesses are proposed through this study. The two uses are primarily differentiated by the products that they are permitted sell, and their legality on a federal level.

The proposed “Cannabis Retail” land use is intended to accommodate retail sales of the full range cannabis/hemp products legalized by the State Law, while the “Lower-Potency Hemp Edible Retail” are only permitted to sell hemp derived edible products (which are currently legal both at the state and federal level and are found in many shops and grocery stores). The proposed amendments would create two different cannabis and hemp sales categories to be regulated in a similar manner to tobacco and alcohol. For example, businesses which sell the full range of tobacco or liquor products (e.g. liquor stores, tobacco product shops) have more stringent regulations then other retail businesses selling limited alcohol or tobacco products (e.g. retail stores selling 3.2 beer, retail stores selling non-menthol cigarettes.)

Below is the proposed definition, standards, and analysis for the cannabis retail use:

Sec. 65.511. Cannabis retail

A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, plants, cannabis products, and lower-potency hemp products, including cannabis products sold for on-site consumption.

Standards and conditions:

1. Except in industrial districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the location.
2. Except in B4 – B5, cannabis businesses with a retail license or a cannabis retail endorsement shall be located a minimum distance of 300 feet from any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
3. Cannabis retailers must operate and maintain a closed-circuit television (CCTV) surveillance system. The CCTV video surveillance system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of entry and exit.
4. A cannabis retail use is prohibited from sharing a common entrance with a business licensed as a tobacco products shop.

Cannabis retail amendment analysis:

Under the proposed amendments, a conditional use permit is recommended for new construction covering more than 15,000 square feet, retail businesses will be prohibited within 300 feet from schools outside of downtown, cameras will be required as a zoning standard, and cannabis retail uses will be prohibited from sharing a common entrance with tobacco product shops. The conditional use permit standard is the same standard placed on other uses in the Zoning Code, such as limited production and processing, and it will allow staff and the Planning Commission to review and potentially place conditions on larger cannabis retail businesses.

The state law requires cannabis retail uses to submit a security plan as a part of the licensing process but does not explicitly require cameras as a standard. The Department of Safety and Inspection has requested this be addressed in the ordinance. Camera requirements may be added by the state later as a part of the rule making process. However, because they do not currently exist in the in the state licensing standards it is a gap that can be addressed through a zoning standard for cannabis retail uses.

The state law does not prohibit cannabis retail uses from co-locating with tobacco product shops. Under the proposed amendments, cannabis retail uses cannot share a common entrance with tobacco product shops, thereby separating these two uses and not permitting them to exist within the same premises. Providing for some separation between cannabis businesses and tobacco businesses through zoning may facilitate enforcement in the future by allowing the City to take action toward a tobacco product shop without affecting a cannabis retail use, or vice-versa.

The proposed use table would make Cannabis retail a permitted/conditional use in any zoning district where general retail is currently permitted. (P/C in T2 – T4, P/C in B1 – B5, P in IT – I3, and P/C in F2 -F6).

Below is the spatial analysis related to the proposed 300-foot distance requirement:

Local jurisdictions may neither prohibit cannabis businesses outright nor limit the number of retail businesses to fewer than one registration for every 12,500 residents, however the State Law allows local jurisdictions

some control in regulating the distance of cannabis businesses from certain land uses. Specifically, the Law says that “Cities may prohibit the operations of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.”

Review of other cities’ Zoning Codes indicates that cities will typically apply some distance requirements between cannabis retail businesses and presumably incompatible land uses. Of the 29 comparative cities researched, six of them had no distance requirements, while the remaining 23 cities had requirements ranging from 200 feet to 1,000 feet from uses like schools, daycares, playgrounds, and other cannabis businesses. Distance requirements may help mitigate potential negative externalities associated with being in close proximity to cannabis businesses, but they also reduce the number of potential locations and opportunities to start a cannabis business and increase the administrative burden on staff to implement the ordinance. Restricting the location of cannabis businesses by applying stringent distance requirements would likely result in cannabis businesses being concentrated in specific locations instead of being disbursed throughout the city. This would increase average travel times and parking demand at cannabis retail businesses, and may potentially concentrate negative externalities. Many of the negative externalities that a distance requirement may help mitigate however, may be mitigated through provisions in state law or local ordinances. These include a local ordinance banning smoking cannabis in public, a ban on advertising of cannabis products, and security plan requirements for licensed businesses, among others.

Two different distance requirements were evaluated to determine how distance requirements would restrict the potential locations of new cannabis retail businesses:

1. The maximum distance requirement permitted by the State Law, which prohibits the operation of cannabis retail businesses within 1,000 feet of schools and 500 feet from daycares and park features; and,
2. A distance requirement prohibiting the operation of cannabis retail businesses 300 feet (about ½ a long block to 1 short block) from schools, except in downtown. (recommended) A 300-foot distance requirement from schools is one of the distance requirements applied to off-sale liquor licenses.

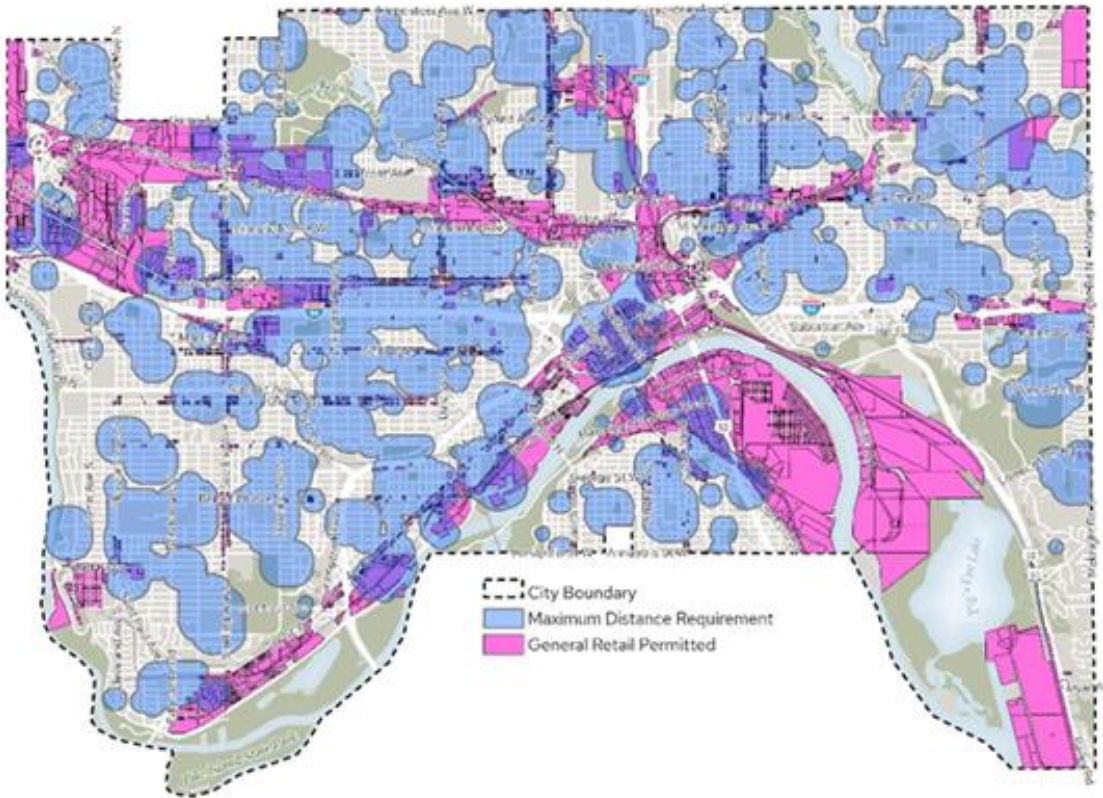
To determine the effect that the two distance requirements would have on restricting the potential locations of future cannabis businesses, parcels where the underlying zoning would permit general retail were mapped and then the two distance requirements were applied from potentially incompatible land uses like schools and daycares. Based on this spatial analysis, prohibiting cannabis retail businesses from operating within 1,000 feet of schools and within 500 feet from daycares and park features (the maximum distance requirements permitted) would restrict the potential locations of cannabis business in the following ways:

- **63% of parcels zoned for general retail would be fully or partially prohibited from establishing a new cannabis retail business.** Additionally, this distance requirement would almost entirely prohibit the establishment of new cannabis retail businesses on major commercial corridors, as seen in Map 1 and Chart 1, below.

Map 1: Impact of maximum distance requirements for Schools, Daycares, and Park Features on potential cannabis business locations

Maximum Distance Requirements - Schools, Daycares, Park Features

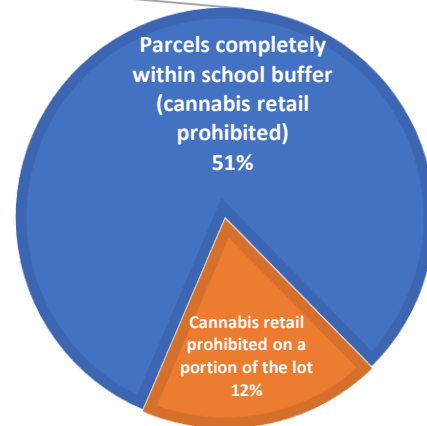
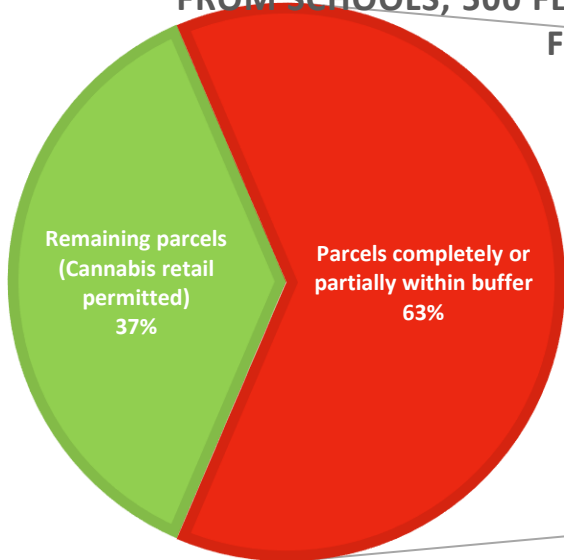
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APPROXIMATE DISTANCE REQUIREMENTS FOR SCHOOLS, DAYCARES, AND PARK FEATURES. DISTANCE REQUIREMENTS ARE BASED ON THE CITY OF SAINT PAUL'S ZONING ORDINANCE. DISTANCE REQUIREMENTS ARE BASED ON THE CITY OF SAINT PAUL'S ZONING ORDINANCE. DISTANCE REQUIREMENTS ARE BASED ON THE CITY OF SAINT PAUL'S ZONING ORDINANCE.



MAXIMUM ALLOWED DISTANCE REQUIREMENTS - 1000 FEET FROM SCHOOLS, 500 FEET FROM DAYCARES AND PARK FEATURES

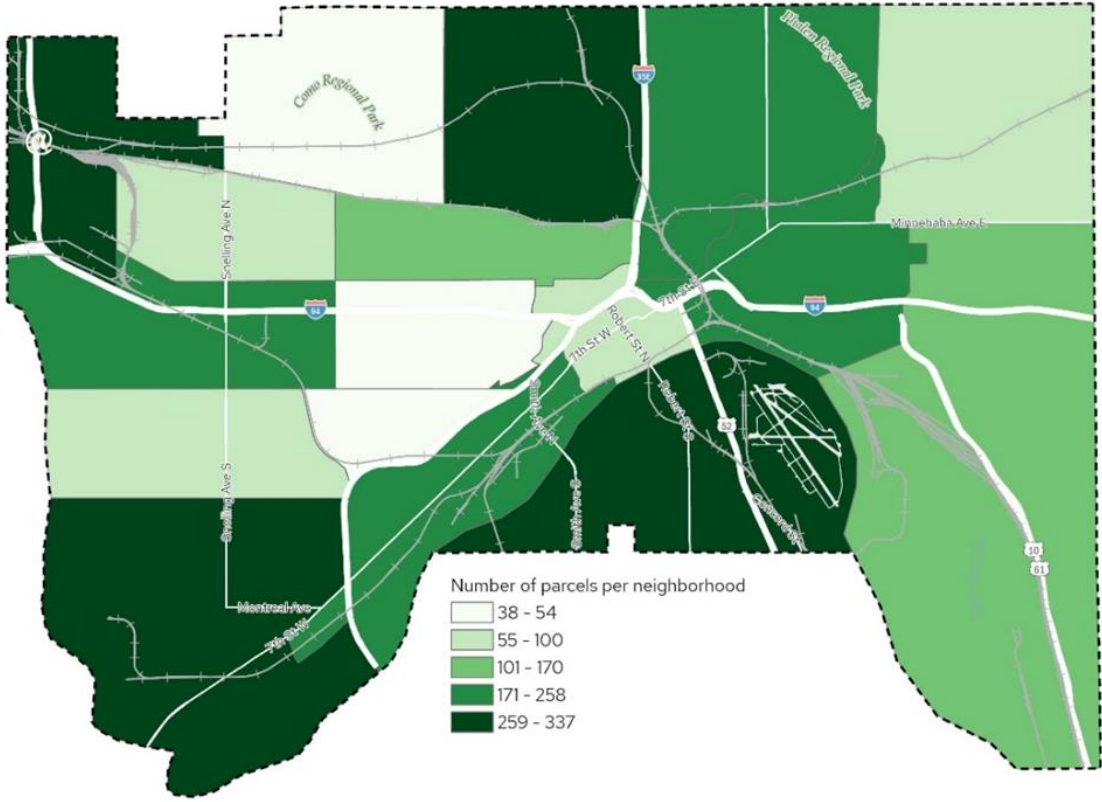


- Parcels completely within school buffer (cannabis retail prohibited)
- Parcels partially within the school buffer (cannabis retail prohibited on a portion of the lot)

- Cannabis retail would be almost entirely prohibited in some neighborhoods (Summit Hill, Summit University, Como Park) while other neighborhoods (The West Side, The North End, Highland, Saint Anthony) may see a large concentration of cannabis retail, because so many retail parcels elsewhere in the city excluded by these distance requirements. (see concentration map below)

Number parcels per neighborhood that would permit a cannabis retail use

Tuesday, July 9, 2024

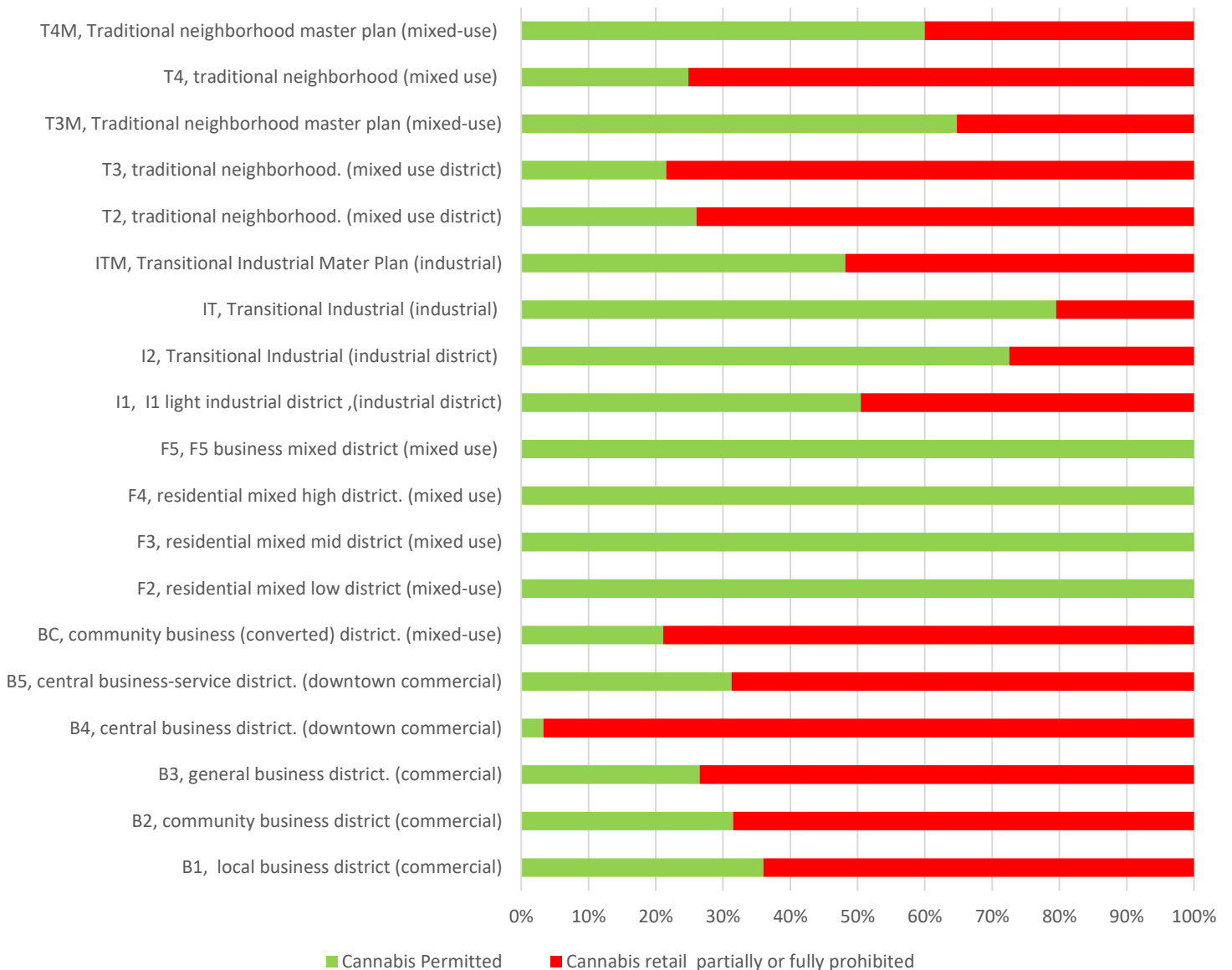


DATA CREDIT: 311 Data Center/311 Data, Parcel Property, Current Mayor, County Public Works, Office of Community, Road and Building/Mayors, 2017, Intersecting and/or adjacent, Planning, Survey, Urban Services, Economic, 1.5.2024/05/05/2024. This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This document is not a legally recorded plat, survey, official tax map, or engineering document and is not intended to be used as such. (SAPR) (2/6/2024) 04:34 AM • 10000493714014 © Saint Paul, Minnesota • City of Saint Paul, Minnesota. All rights reserved. Any reproduction is prohibited.



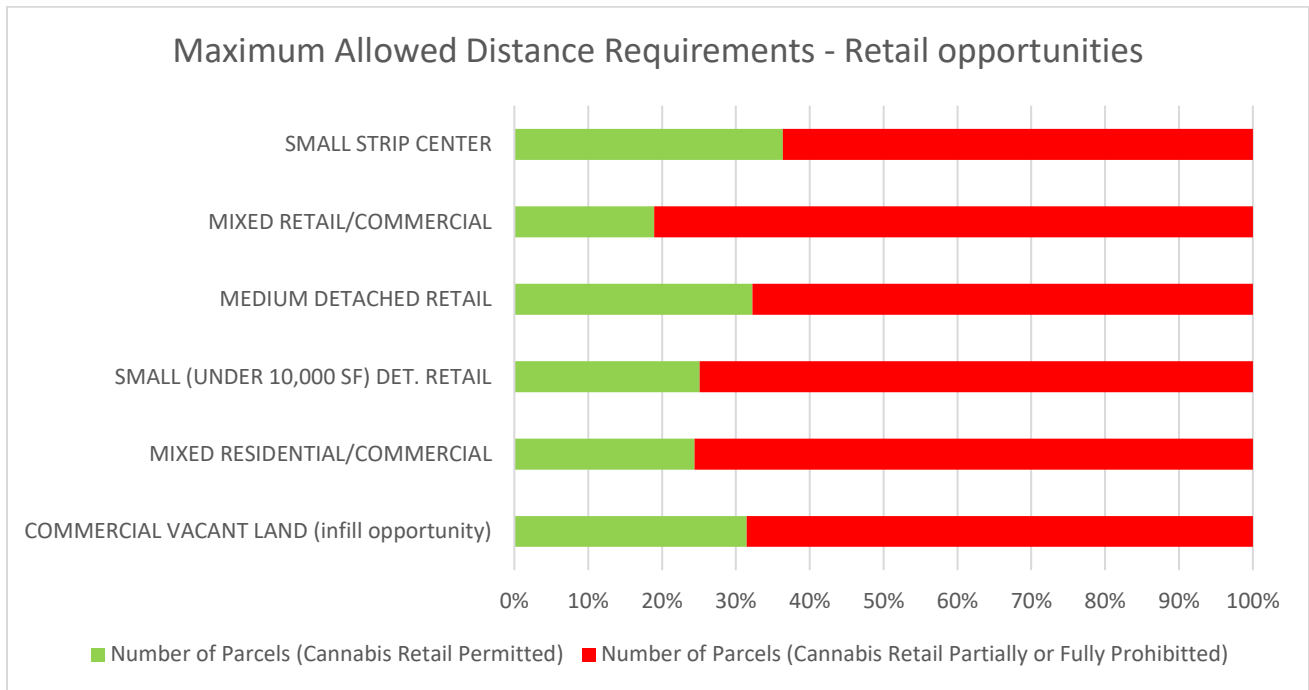
- There would be a significant reduction in the opportunities to establish a new cannabis business in zoning districts that are intended to accommodate retail businesses (T2 – T4, B1 – B5), and as result, the majority of new cannabis businesses could only be established legally in industrial districts that are primarily intended to accommodate wholesale and manufacturing type uses (IT – I2), as seen in Chart 2 Concentrating cannabis businesses in those locations, would create unnecessary competition for industrial land. This could increase costs and make it difficult for other industrial businesses to locate in Saint Paul. Additionally, traffic would also increase to the industrial areas where these uses would be located, which often does not have the multimodal infrastructure needed to support more community-oriented retail.**

Maximum Distance Requirements - Zoning Analysis



- **The majority of parcels with existing retail land uses would be prohibited from establishing a new cannabis retail business**, as seen in Chart 3. Establishing future retail cannabis businesses in existing retail spaces will reduce the amount of capital investment that is needed to start a new cannabis retail business. If existing retail spaces are not available, the capital investment needed to start a new cannabis retail business would increase because industrial or residential uses would have to be converted to retail spaces. (note: some retail uses are not captured in this analysis, e.g. downtown skyway retail in large office buildings)

Chart 3: Proportion of existing retail land uses potentially impacted by the maximum distance requirements.



Based on the findings of this spatial analysis, applying the maximum distance requirements allowed by the enabling State Law would be inconsistent with the policy guidance of the 2040 Comprehensive Plan. Applying the maximum distance requirements would result in cannabis retail businesses being guided away from downtown, mixed-use areas, and neighborhood nodes that intended to accommodate retail land uses. Cannabis retail businesses would be more likely to develop in industrial areas that are intended to primarily accommodate manufacturing and processing land uses. Applying maximum distance requirements would be inconsistent with these specific policies:

- Policy LU-6. Fostering equitable and sustainable economic growth by:
 - (1) facilitating business creation, attraction, retention and expansion;
 - (3) growing Saint Paul’s tax base in order to maintain and expand City services, amenities and infrastructure;
 - (7) building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes.
- Policy LU-7. Utilize land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.
- Policy LU-2. Continue to invest in Downtown and promote a broad mix of uses that attract greater numbers of people and employers to ensure Downtown’s vitality as the civic, cultural and employment center of the East Metro.

- Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.

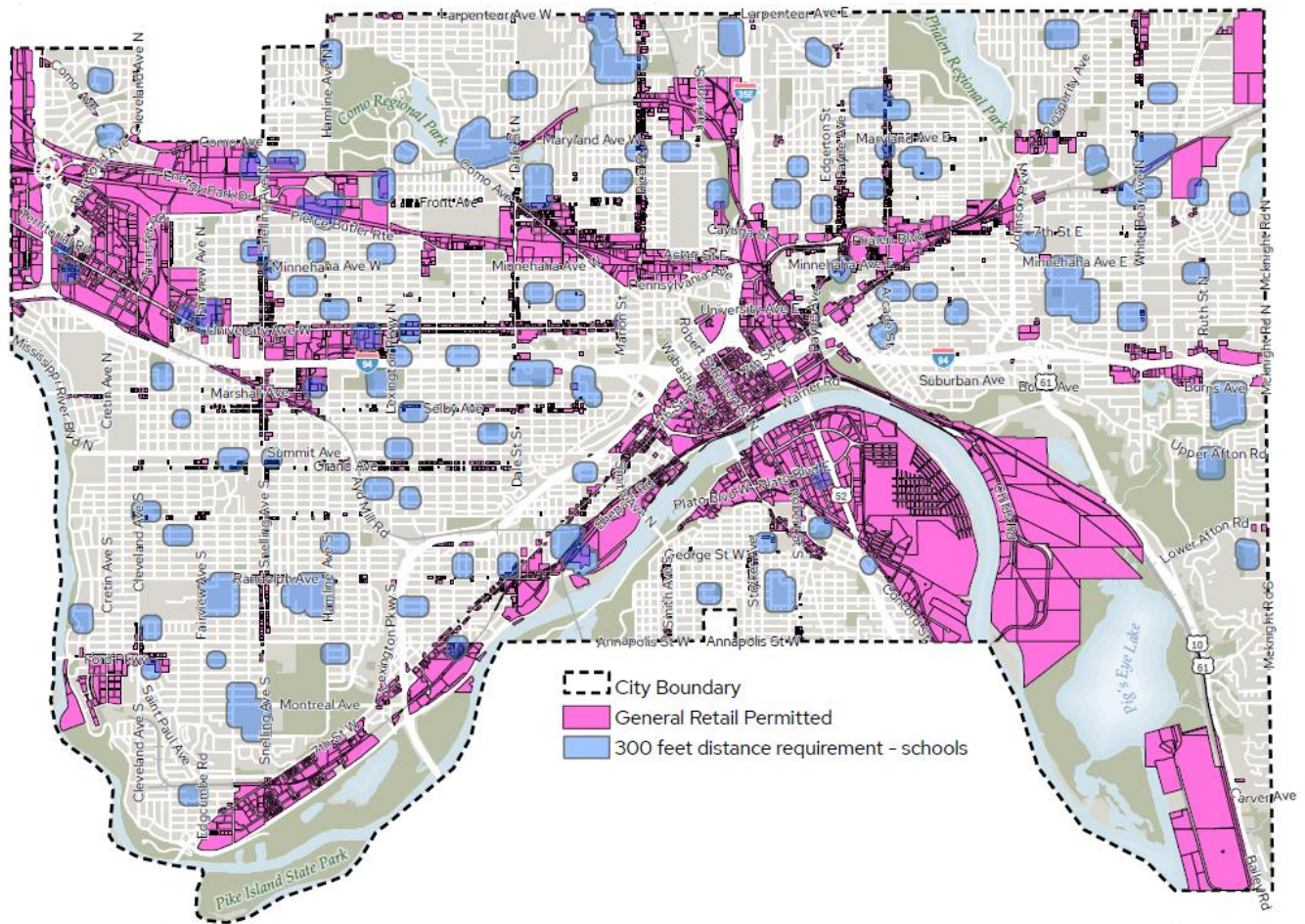
Comparatively, prohibiting cannabis retail businesses from operating within 300 feet of schools, except in downtown, would restrict the potential locations of cannabis business in the following ways:

- **10% of general retail parcels would be fully or partially prohibited from establishing a new cannabis retail business.** A 300-foot distance requirement outside of downtown would have minor impact on cannabis entrepreneurs' ability to open new cannabis retail businesses in zoning districts that permit general retail, as seen in Map 2 and Chart 4. Furthermore, the majority of parcels on major commercial corridors could accommodate a cannabis retail business.

Map 2: Impact on potential cannabis business locations with a distance requirement of 300-feet from schools.

300 feet from schools distance requirement

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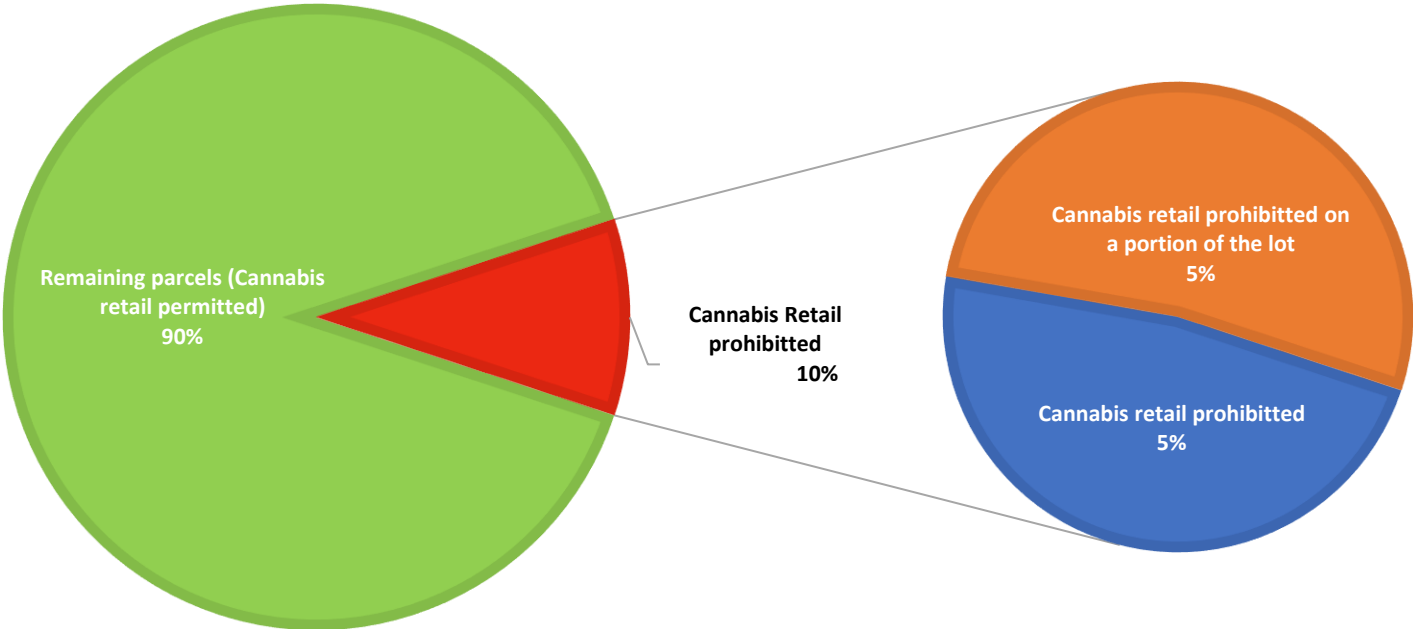


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Chart 4: Effect on commercial parcels with a distance requirement of 300-feet from schools.

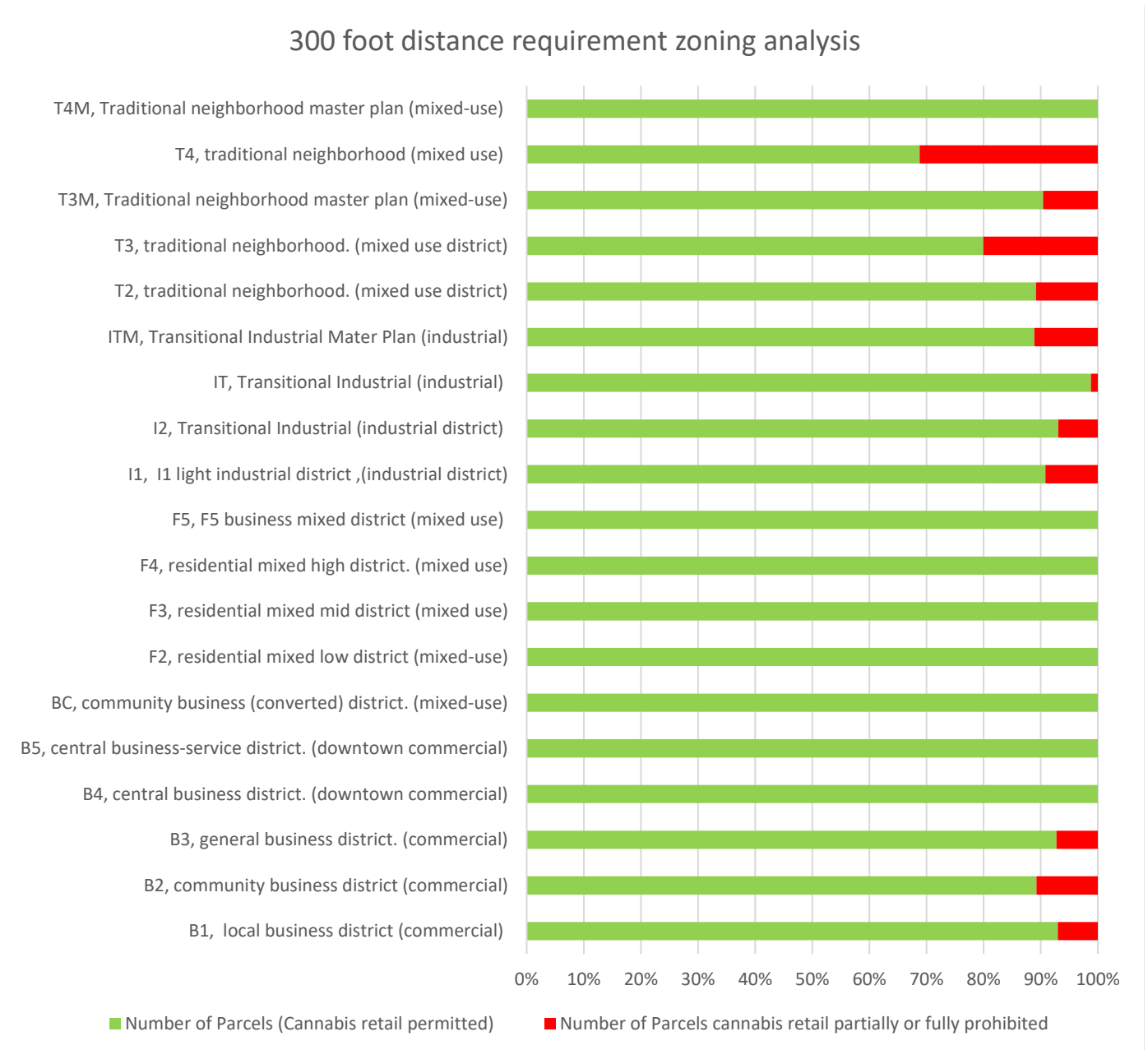
300 FOOT DISTANCE REQUIREMENT FROM SCHOOLS



- Parcels completely within school buffer (cannabis retail prohibited)
- Parcels partially within the school buffer (cannabis retail prohibited on a portion of the lot)
- Remaining parcels (Cannabis retail permitted)

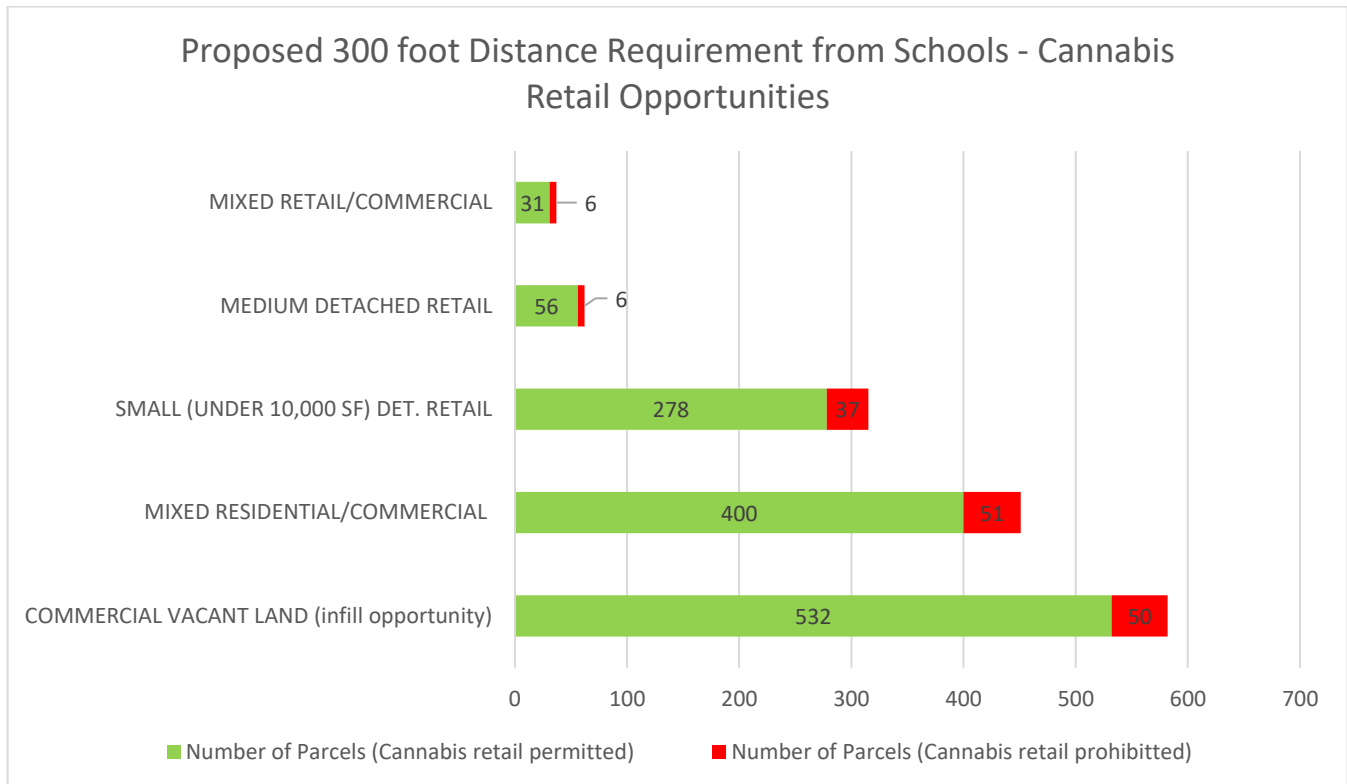
- Even with a 300 ft distance requirement (with downtown exempt) **there will be ample opportunities to establish new cannabis retail businesses in zoning districts that are intended to accommodate retail businesses (T2 – T4, B1 – B5),** seen in Chart 5.

Chart 5: Proportion of existing retail districts potentially impacted by a distance requirement of 300-feet from schools.



- **The majority of existing retail land uses could establish a cannabis retail business, even if cannabis retail operations are prohibited within 300 feet of a school,** seen in Chart 6. (note: some retail uses are not captured in this analysis, e.g. downtown skyway retail in large office buildings)

Chart 6: Proportion of existing retail land uses potentially impacted a distance requirement of 300-feet from schools.



Based on the findings of this spatial analysis, applying 300-foot distance requirement, with downtown exempt, would be consistent with the 2040 Comprehensive Plan as there would be ample opportunities to establish cannabis retail businesses in areas that are guided for commercial growth (mixed use, neighborhood nodes, downtown). There is also an existing precedent in our licensing code for a 300-foot distance requirement between schools and off-sale liquor licenses (liquor stores) and non-intoxicating malt liquor licenses (3.2 beer). Full on-sale liquor licenses and breweries do not have any distance requirements applied to them.

While the State Law explicitly prohibits outdoor advertising of cannabis products and businesses, a 300-foot distance requirement may help limit school aged children's visual exposure to cannabis businesses, as well as mitigate other potential negative externalities associated with cannabis retail businesses. The proposed 300-foot distance requirement is both supportive of a growing Saint Paul's commercial base and falls within the range commonly found in other US cities.

Hemp edible retail amendment analysis:

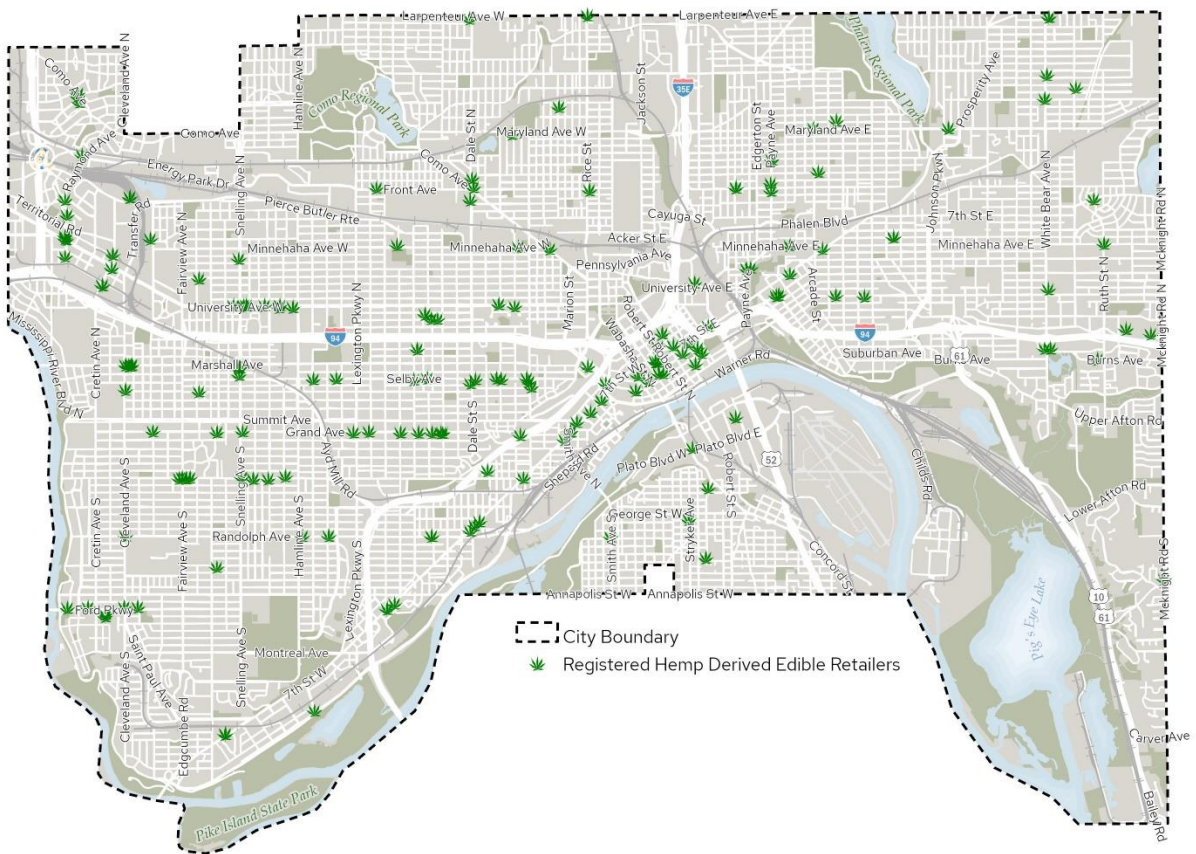
The proposed amendments add Lower-Potency Hemp Edible Retail to the list of uses that fall under the definition of general retail. Lower-potency hemp edibles were legalized in Minnesota prior to the legalization of adult-use cannabis. Since the legalization of lower-potency hemp edibles, 178 businesses have registered as hemp-derived cannabinoid product businesses in Saint Paul, the locations of which can be seen in Map 3. In reviewing the list of businesses, staff found that the majority of registered hemp businesses were selling hemp-derived edibles as an accessory use to their main business (e.g. a bar or restaurant selling THC drinks, craft breweries manufacturing and selling THC drinks, or grocery stores selling THC edibles).

Under the proposed amendments, 87.6 % of the hemp derived cannabinoid product businesses would be in a location where they could continue to operate, 84.7 % could transition into cannabis retailers, and 12.4% of these businesses are in locations where general retail is not be permitted (i.e. residential zoning districts). Some of the 12.4% of the registered hemp businesses may be allowed to continue in their current location if they are in a legally non-conforming commercial structure or if their business model meets the definition of a “home occupation.” General retail is permitted or permitted/conditional in the following districts (P/C in T2 – T4, P in B1 – B5, P in IT – I3, and P in F2 – F6).

Map 3: Current locations for businesses that are registered to sell hemp-derived edibles

Registered Hemp Derived Edibles Retailers

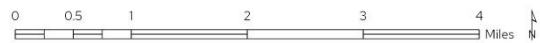
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Here is the proposed hemp derived edibles amendment:

Sec. 65.412. General retail.

General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:

- (a) *Antiques and collectibles store;*
- (b) *Art gallery;*
- (c) *Bakery;*
- (d) *Bicycle sales and repair;*
- (e) *Book store, music store;*
- (f) *Butcher shop;*
- (g) *Catering;*
- (h) *Clothing and accessories;*
- (i) *Deli;*
- (j) *Drugstore, pharmacy;*
- (k) *Electronics sales and repair;*
- (l) *Florist;*
- (m) *Food and related goods sales;*
- (n) *Jewelry store;*
- (o) *Hardware store;*
- (p) *Liquor store;*
- (q) *Lower-potency hemp edible retail;*
- ~~(r)~~ *News stand, magazine sales;*
- ~~(s)~~ *Office supplies;*
- ~~(t)~~ *Pet store;*
- ~~(u)~~ *Photographic equipment, film developing;*
- ~~(v)~~ *Stationery store;*
- (w) *Picture framing; and*
- (x) *Video store.*

Standards and conditions:

In traditional neighborhood districts, a conditional use permit is required for new construction covering more than twenty thousand (20,000) square feet of land to ensure size and design compatibility with the particular location.

5. CANNABIS CULTIVATION

There are six Office of Cannabis Management license types that allow cannabis and hemp cultivation, which includes any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts. The proposed amendments for these license types are in the following sections, along with an analysis of the proposed changes.

a. Limited Scale: Cannabis Microbusinesses and Mezzobusinesses

Cannabis Microbusiness and Mezzo business licenses allow businesses to engage in a wide range of business activities, including cannabis cultivation, retail sales, cannabis product manufacturing, and wholesale to other cannabis businesses with the applicable license endorsements. Additionally, Micro-businesses can obtain an endorsement to allow on-site consumption of cannabis products. The two license types differ in the amount of plant canopy they are permitted to have. Microbusinesses with a cultivation endorsement may cultivate up to

5,000 square feet of plant canopy indoors and up to one-half acre of mature, flowering plants outdoors. Mezzo businesses may cultivate up to 15,000 square plant canopy indoors and up to one-half acre of mature, flowering plants outdoors.

Cannabis micro-businesses and mezzo-businesses are substantially similar to limited production and processing or light industrial greenhouses (depending on size) in their primary function, with any associated retail element covered under “cannabis retail” (see above). Limited production and processing accommodates a wide range of uses that “*produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales.*” The limited production use category accommodates small scale production uses that oftentimes sell products wholesale or directly to customers, like businesses with a cannabis micro or mezzo business license would be permitted to do. To accommodate cannabis micro and mezzo businesses that cultivate cannabis indoors and/or manufacture cannabis products indoors, the following amendment is proposed:

Sec. 65.780. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (1) Apparel and other finished products made from fabrics;*
- (2) Blueprinting;*
- (3) Up to 15,000 sq ft of cannabis cultivation, cannabis product manufacturing, or lower-potency hemp edible manufacturing, within an indoor facility.*
- (3) Computers and accessories, including circuit boards and software;*
[...]
- (15) Wood furniture and upholstery.*

Standards and conditions:

- (a) In T2—T3 traditional neighborhood districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the particular location.*
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing or cultivation processes shall not be discernable beyond the property line.*
- (c) Except in industrial districts, the use of volatile solvents for cannabinoid extractions is prohibited.*

Proposed amendment use table summary:

Limited production and processing is currently permitted in Traditional Neighborhood Districts (T2-T4), Business Districts (B3 and B5), Ford districts (F3 – F6), and Industrial districts (IT – I2). Standard (b), above, will require cannabis cultivators that fall under this definition to mitigate potential externalities of the production through building design or building features such as ventilation and air filters, so that the side effects of the cultivation process, such as odors, are not discernable beyond the property line.

b. Industrial-Scale Cannabis Cultivation

In addition to Micro- and Mezzobusinesses, the following license types also permit businesses to cultivate cannabis at varying scales: Cannabis Cultivators, Medical Cannabis Cultivators, and Medical Cannabis Combination Businesses. Except for a Medical Cannabis Combination Business, which may operate up to one

retail location in each congressional district, these license types are only permitted to sell cannabis products to other businesses. When compared to cannabis micro and mezzo businesses, the amount of plant canopy that these businesses are allowed to cultivate is substantially higher, and more industrial scale in nature. Cannabis cultivators may cultivate up to 30,000 square feet of plant canopy; Medical Cannabis cultivators and Medical Cannabis Combination business may cultivate up to 60,000 square feet of plant canopy. Based on the industrial scale of these businesses, these uses are substantially similar to the “greenhouse, industrial” use in the Zoning Code, and to accommodate these businesses staff are proposing the following amendment:

Sec. 65.824. Greenhouse, industrial.

Wholesale business whose principal activity is the growing and selling of plants within an enclosed building, including commercial cannabis cultivation over 15,000 sq. ft.

Proposed amendment use table summary:

Industrial green houses are permitted uses in industrial districts (IT-12).

c. Outdoor Cultivation of Cannabis

While outdoor cultivation of cannabis in an urban context may be unlikely, there may be situations where outdoor cultivation is appropriate for a given location if potential externalities such as odors can be mitigated through site design or the location of the plant canopy. For example, outdoor cultivation of cannabis on rooftops may have limited impacts on neighboring properties. The proposed amendment would allow outdoor cultivation with a conditional use permit, except in residential districts where outdoor commercial cultivation would be prohibited. By requiring a conditional use permit, the Planning Commission can evaluate outdoor cultivation proposals to determine if the proposal is appropriate for its given location. To accommodate outdoor production for every license type that is permitted to cultivate cannabis, the following amendment is proposed:

Sec. 65.771. Agriculture.

Principal use of land for production of food or horticultural crops to be harvested, sold, or donated.

Standards and conditions:

- (a) Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for a site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the zoning administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required.*
- (b) In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit.*
- (c) The use shall be subject to the minimum property maintenance standards (chapter 34) and noise regulations (chapter 293) of the city.*
- (d) Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.*
- (e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.*
- (f) Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.*
- (g) When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.*

(h) Outdoor commercial cultivation of cannabis is prohibited in residential districts. In all other districts, outdoor commercial cultivation of cannabis requires a conditional use permit.

Standards and conditions in residential and traditional neighborhood districts for an agriculture use with an area of less than one (1) acre:

- (h) On-site sales shall be limited only to products grown on the site. Sales shall be limited to no more than three (3) sales in any calendar year and may take place only between the hours of 7:00 a.m. and 7:00 p.m. Sales shall be held on property occupied either by seller's dwelling unit or on property owned, rented, leased, or otherwise Lawfully occupied by a charitable, institutional, or political organization. Sales shall not take place on the public sidewalk or boulevard.*
- (i) Gardening equipment shall be limited to that which is commonly used for household gardening.*
- (j) Accessory buildings shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoopouses, cold frames, and similar structures located above gardening plots and being used to extend the growing season are permitted. A building permit is required for any temporary structure covering an area greater than two hundred (200) square feet.*
- (k) One identification sign is permitted, not to exceed six (6) square feet.*

Proposed amendment use table summary:

Agriculture is permitted in every district, except I3, and the proposed amendment would prohibit commercial cannabis cultivation in residential districts. Under the proposed amendments outdoor commercial cannabis cultivation could occur in the traditional neighborhood districts (T1-T4), business districts (OS-B5), and industrial districts (IT-I2).

d. Cannabis and Hemp Product Manufacturing

The following license types permit the manufacturing of cannabis and hemp derived THC products: Cannabis Micro- and Mezzobusinesses, Cannabis Manufacturers, Medical Cannabis Processor, Medical Cannabis Combination Business, and Lower-potency Hemp Edible Manufacturer. The Office of Cannabis Management has not yet established size limits for cannabis product manufacturing uses. Currently, State Law regarding manufacturing for Cannabis Mezzobusinesses States that the current indoor plant limit is 15,000 square feet and the future manufacturing limit would need to *"be equivalent to the amount of cannabis flower that can be harvested from a facility with a plant canopy of 15,000 square feet in a year [...]."* Staff anticipates that a facility covering up to 15,000 square feet in land can accommodate small-scale cannabis and hemp product manufacturing uses under both Micro- and Mezzobusiness licenses. To accommodate smaller scale cannabis is proposing an amendment to the limited production and processing land-use.

Limited production and processing is permitted in Traditional Neighborhood Districts (T2-T4), Business Districts (B3 and B5), and Industrial districts (IT – I2), the areas shown in Map 4. As with cannabis cultivation, Standard (b), below, will require cannabis and hemp product manufactures that fall under this definition to mitigate potential externalities of the production through features such as ventilation or building design so that the side effects of the cultivation process are not discernable beyond the property line. Standard (c), below, will restrict the use of certain extraction agents outside of industrial districts. Some cannabis product manufacturing processes utilize liquified flammable gases such as butane and propane as solvents to extract THC from cannabis flower. If done improperly, the use of liquified flammable gases as an extraction agent poses some risk of fires and explosions at cannabis manufacturing facilities. While requirements in the building and fire codes will mitigate much of the risk of fires and explosions at legal facilities, restricting the use of these potentially dangerous chemicals in mixed-use and commercial districts may help protect residents from the impacts of potential fires and explosions, if they occur. In addition to standard (c), the planning commission is

recommending an amendment to define “volatile solvents”, which mirrors the state definition. Below is the “volatile solvents” definition amendment and the limited production and processing amendment:

Sec. 60.223. V.

Variance. (See: "zoning conditional uses and variances.")

Vestibule. An enclosed entrance intended for the conservation of energy and attached to an entry way of a principal structure.

Volatile solvent. Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane, and propane.

Sec. 65.780. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

(1) Apparel and other finished products made from fabrics;

(2) Blueprinting;

(3) Up to 15,000 sq. ft. of cannabis cultivation, cannabis product manufacturing, or lower-potency hemp edible manufacturing within an indoor facility.

(3) Computers and accessories, including circuit boards and software;

[...]

(15) Wood furniture and upholstery.

Standards and conditions:

(a) In T2—T3 traditional neighborhood districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the particular location.

(b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing or cultivation processes shall not be discernable beyond the property line.

(c) Except in industrial districts, the use of volatile solvents for cannabinoid extractions is prohibited.

To accommodate larger cannabis and hemp product uses, the following amendment to the Light manufacturing use, permitted in industrial districts (IT -13), is recommended:

Sec. 65.810. Light manufacturing.

Light manufacturing includes, but is not limited to, the following:

(a) Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, electronic components, feathers, felt, fiber, fur, glass, hair, horn, leather, nonferrous metals, paper, plastic, precious or semiprecious metals or stones, rubber (excluding rubber or synthetic processing, tires and inner tubes), steel, sheet metal, shell, textiles and fabrics, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns;

(b) Manufacture or assembly of automobiles, boats less than one hundred (100) feet in length, and electrical appliances and equipment;

(c) Bottling, all beverages;

(d) Manufacture, assembly, compounding, processing, packaging or treatment of such products as, but not limited to: hardware and cutlery, nontoxic chemicals, pharmaceuticals, and food products (excluding slaughtering of

e. Cannabis wholesale

There are no amendments necessary to accommodate cannabis wholesale businesses, because cannabis is a consumer “good”. Below is the definition and standard for a wholesale establishment:

Sec. 65.787. Wholesale establishment.

A firm involved in the storage, movement or sale of goods, for themselves or other firms, usually to retailers for resale to consumers, in relatively large quantities and usually at lower prices than at retail.

Standards and conditions:

In the B3 general business district, wholesale establishments shall have less than fifteen thousand (15,000) square feet of gross floor area, and shall have no outside storage. In the B4 central business district, storage is restricted to samples.

6. OTHER CANNABIS-RELATED BUSINESSES

The following license types do not directly engage in public retail sales of cannabis or production/warehousing: Cannabis Delivery Service, Cannabis Transporter, Cannabis Testing Facilities, or Cannabis Event Organizers. A cannabis event organizer license is required to organize a temporary cannabis event lasting no more than four days. No zoning amendment is recommended to accommodate cannabis events, as this is not in the purview of land use regulations and other events are not currently regulated by provisions in the Zoning Code.

a. Cannabis Delivery Service and Cannabis Transporters: proposed amendment/analysis

A Cannabis Delivery Service is licensed to deliver cannabis from cannabis retail uses directly to customers. Cannabis Transporters are licensed to transport cannabis between cannabis businesses, but not directly to customers. Cannabis Delivery Services or Cannabis Transporters are proposed to occur as an accessory use to cannabis businesses, as described in the Accessory Use section below, or as a principal use that serves multiple cannabis businesses. Cannabis Delivery Services and Transporters are substantially similar to the existing use in the Saint Paul Zoning Code for “Package delivery service.” To accommodate Cannabis Delivery Services or Cannabis Transporters established as a principal use, the following amendment is proposed:

Sec. 65.530. - Package delivery service.

A business which transports packages and articles for expedited delivery primarily in single rear axle straight trucks or smaller vehicles, including cannabis delivery services and cannabis transportation, where no single item weighs over one hundred fifty (150) pounds. Excludes courier services.

b. Cannabis Testing Facilities: proposed amendment/analysis

Cannabis testing facilities obtain and test cannabis and hemp products from other cannabis and hemp businesses. Testing Facilities operate independently from other cannabis businesses and the State Law prohibits owners of cannabis testing facilities from owning, operating, or being employed by any other cannabis business. This use is substantially similar medical laboratories, which fall under the service business use in Saint Paul’s Zoning Code. To accommodate cannabis testing facilities staff is proposing the following amendment:

Sec. 65.413. Service business, general.

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Bank, credit union;
- (b) Barber and beauty shops;
- (c) Cannabis testing facility;

- ~~(e)~~(d) Dry-cleaning pick-up station;
- ~~(d)~~(e) Food shelf;
- ~~(e)~~(f) Interior decorating/upholstery;
- ~~(f)~~(g) Laundromat, self-service;
- ~~(g)~~(h) Locksmith;
- ~~(h)~~(i) Mailing and packaging services;
- ~~(i)~~(j) Massage center;
- ~~(j)~~(k) Medical or dental clinic or laboratory;
- ~~(k)~~(l) Photocopying;
- ~~(l)~~(m) Post office;
- ~~(m)~~(n) Radio and television service and repair;
- ~~(n)~~(o) Shoe repair;
- ~~(o)~~(p) Small appliance repair;
- ~~(p)~~(q) Tailor shop; and
- ~~(q)~~(r) Watch repair, other small goods repair.

c. Accessory use amendment

Three amendments to the accessory uses table are proposed: An amendment that would list Cannabis Transportation and Delivery as accessory to cannabis businesses, an amendment that would list Cannabis and Hemp Product Manufacturing as accessory to craft breweries, craft distilleries, and craft wineries, and an amendment that would list cannabis cultivation as accessory to colleges and universities for research purposes. Below are the proposed accessory use amendments:

Sec. 65.910. Accessory use or accessory.

A building, structure, or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

....

- (q) Homeless services facility accessory to a religious institution, subject to the standards and conditions in section 65.240.
- (r) Cannabis transport and delivery accessory to a cannabis business.
- (s) Cannabis and hemp product manufacturing accessory to craft breweries, craft wineries, or craft distilleries.
- (t) Cannabis cultivation for research purposes, accessory to a college, university, or similar institution of higher learning.

Sec. 65.910 (r) amendment. The proposed sec. 65.530 package delivery amendment is intended to accommodate businesses that may establish cannabis delivery and transportation as a principal use. It is anticipated that cannabis delivery and transport will mostly occur as an accessory use to other cannabis businesses, but the proposed cannabis and delivery use table is more restrictive than other cannabis businesses that may wish to offer cannabis delivery services for their retail products. By adding cannabis delivery and transportation to the accessory use table, cannabis delivery and transport can occur as an accessory use in districts where package delivery is not a principal use.

Section 65.910 (s) amendment. Since the legalization of hemp derived edibles, many craft breweries have begun manufacturing THC seltzers. Breweries are permitted uses in certain districts in which cannabis/hemp product manufacturing are not proposed to be a permitted primary use. This amendment will allow breweries to manufacture hemp/cannabis products as an accessory use in districts where cannabis/hemp manufacturing would not be otherwise permitted by the proposed amendments.

Section 65.910 (t) amendment. The state law allows colleges and universities to cultivate cannabis for research purposes with a micro license. Most colleges and universities, however, are in residential districts which does not permit limited production and processing. By adding cannabis cultivation for research purposes as an accessory use colleges and universities, it will allow colleges and universities to cultivate cannabis irrespective of the underlying zoning of their campus.

d. Required Bike Parking Proposed Amendments

A bike parking requirement of “2 spaces or 1 space per 4,000 sq. ft. GFA, whichever is greater” is recommended for the cannabis retail use. This bike requirement is used for a number of land uses in the Zoning Code, including general retail.

e. A maximum parking standard of 1 space per 250 sq. ft. GFA and 1 space per 300 sq. ft. GFA within a quarter mile of major transit corridors is recommended for the cannabis retail use. These maximum parking standards are used for a number of land uses in the Zoning Code, including general retail.

7. RECOMMENDATION

The Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission forward the attached resolution and amendments to the Mayor and City Council for review and final adoption.

8. ATTACHMENTS

Proposed Code Amendments for Adult-Use Cannabis

Adult-use Cannabis Zoning Study Recommended Amendments

Note: Existing language to be deleted shown by ~~strike-outs~~. New language is underlined.

Chapter 60. Zoning Code - General Provisions and Definitions; Zoning Districts and Maps Generally

ARTICLE II. 60.200. GENERAL DEFINITIONS

Sec. 60.223. V.

Variance. (See: "zoning conditional uses and variances.")

Vestibule. An enclosed entrance intended for the conservation of energy and attached to an entry way of a principal structure.

Volatile solvent. Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane, and propane.

Chapter 63. Zoning Code - Regulations of General Applicability

ARTICLE II. -63.200. PARKING REQUIREMENTS

Table 63.207. Maximum Off-Street Surface Parking By Use

Commercial Uses		
Office, Retail and Service Uses		
General office, studio, general retail, general service business, alternative financial establishment, animal boarding/shelter/day care, business sales and services, dry cleaning, commercial laundry, furniture/appliance store, gun shop, shooting gallery, lumber yard, pawn shop, tattoo shop, tobacco shop, veterinary clinic/hospital, <u>cannabis retail</u>	1 space per 250 sq. ft. GFA	1 space per 300 sq. ft. GFA
Greenhouse, garden center	1 space per 250 sq. ft. GFA plus 1 space per 600 sq. ft. outdoor sales or display area	1 space per 300 sq. ft. GFA plus 1 space per 700 sq. ft. outdoor sales or display area

Sec. 63.210. Bicycle parking.

Commercial Uses	
Office, Retail and Service Uses	
Office (including, but not limited to, administrative, financial, insurance, professional, real estate, and sales offices)	2 spaces or 1 space per 5,000 sq. ft. GFA, whichever is greater
General retail, service business, bank, credit union, building materials center, business sales and services, convenience market, currency exchange, dry cleaning, commercial laundry, food and related goods sales, food shelf, furniture/appliance store, gun shop, shooting gallery, liquor store, lumber yard, massage center, pawn shop, photocopying, repair shop, self-service laundromat, supermarket, tattoo shop, tobacco shop, <u>cannabis retail</u>	2 spaces or 1 space per 4,000 sq. ft. GFA, whichever is greater.
Food and Beverages	

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE V. - 65.400. COMMERCIAL USES

Division 1. - 65.410. Office, Retail and Service Uses

Sec. 65.412. General retail.

General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:

- (a) Antiques and collectibles store;
- (b) Art gallery;
- (c) Bakery;
- (d) Bicycle sales and repair;
- (e) Book store, music store;
- (f) Butcher shop;
- (g) Catering;
- (h) Clothing and accessories;
- (i) Deli;
- (j) Drugstore, pharmacy;
- (k) Electronics sales and repair;
- (l) Florist;
- (m) Food and related goods sales;
- (n) Jewelry store;
- (o) Hardware store;

- (p) Liquor store;
- (q) Lower-potency hemp edible retail;
- ~~(r)~~(r) News stand, magazine sales;
- ~~(s)~~(s) Office supplies;
- ~~(t)~~(t) Pet store;
- ~~(u)~~(u) Photographic equipment, film developing;
- ~~(v)~~(v) Stationery store;
- (w) Picture framing; and
- (x) Video store.

Sec. 65.413. Service business, general.

Service businesses include provision of services to the general public that produce minimal off-site impacts.

Service businesses include but are not limited to the following:

- (a) Bank, credit union;
- (b) Barber and beauty shops;
- (c) Cannabis testing facility;
- ~~(d)~~(d) Dry-cleaning pick-up station;
- ~~(e)~~(e) Food shelf;
- ~~(f)~~(f) Interior decorating/upholstery;
- ~~(g)~~(g) Laundromat, self-service;
- ~~(h)~~(h) Locksmith;
- ~~(i)~~(i) Mailing and packaging services;
- ~~(j)~~(j) Massage center;
- ~~(k)~~(k) Medical or dental clinic or laboratory;
- ~~(l)~~(l) Photocopying;
- ~~(m)~~(m) Post office;
- ~~(n)~~(n) Radio and television service and repair;
- ~~(o)~~(o) Shoe repair;
- ~~(p)~~(p) Small appliance repair;
- ~~(q)~~(q) Tailor shop; and
- ~~(r)~~(r) Watch repair, other small goods repair.

Sec. 65.511. Cannabis retail

A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, plants, cannabis products, and lower-potency hemp products, including cannabis products sold for on-site consumption.

Standards and conditions:

- (a) Except in industrial districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the location.
- (b) Except in B4 – B5, cannabis businesses with a retail license or a cannabis retail endorsement shall be located a minimum distance of 300 feet from any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
- (c) Cannabis retailers must operate and maintain a closed-circuit television (CCTV) surveillance system. The CCTV video surveillance system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of entry and exit.
- (d) A cannabis retail use is prohibited from sharing a common entrance with a business licensed as a tobacco products shop.

Sec. 65.530. - Package delivery service.

A business which transports packages and articles for expedited delivery primarily in single rear axle straight trucks or smaller vehicles, including cannabis delivery services and cannabis transportation, where no single item weighs over one hundred fifty (150) pounds. Excludes courier services.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE V. - 65.400. COMMERCIAL USES

Division 8. - 65.770. Limited Production, Processing and Storage

Sec. 65.771. Agriculture.

Principal use of land for production of food or horticultural crops to be harvested, sold, or donated.

Standards and conditions:

- (a) Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for a site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the zoning administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required.
- (b) In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit.
- (c) The use shall be subject to the minimum property maintenance standards (chapter 34) and noise regulations (chapter 293) of the city.
- (d) Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.
- (e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.
- (f) Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.
- (g) When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.
- (h) Outdoor commercial cultivation of cannabis is prohibited in residential districts. In all other districts, outdoor commercial cultivation of cannabis requires a conditional use permit.

Standards and conditions in residential and traditional neighborhood districts for an agriculture use with an area of less than one (1) acre:

- (h i) On-site sales shall be limited only to products grown on the site. Sales shall be limited to no more than three (3) sales in any calendar year and may take place only between the hours of 7:00 a.m. and 7:00 p.m. Sales shall be held on property occupied either by seller's dwelling unit or on property owned, rented, leased, or otherwise Lawfully occupied by a charitable, institutional, or political organization. Sales shall not take place on the public sidewalk or boulevard.
- (i j) Gardening equipment shall be limited to that which is commonly used for household gardening.
- (j k) Accessory buildings shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoopouses, cold frames, and similar structures located above

gardening plots and being used to extend the growing season are permitted. A building permit is required for any temporary structure covering an area greater than two hundred (200) square feet.

~~(k)~~ One identification sign is permitted, not to exceed six (6) square feet.

Sec. 65.780. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (1) Apparel and other finished products made from fabrics;
- (2) Blueprinting;
- (3) Up to 15,000 sq. ft. of cannabis cultivation, cannabis product manufacturing, or lower-potency hemp edible manufacturing, within an indoor facility;
- ~~(3)~~(4) Computers and accessories, including circuit boards and software;
- ~~(4)~~(5) Electronic components, assemblies, and accessories;
- ~~(5)~~(6) Film, video and audio production;
- ~~(6)~~(7) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing;
- ~~(7)~~(8) Jewelry, watches and clocks;
- ~~(8)~~(9) Milk, ice cream, and confections;
- ~~(9)~~(10) Musical instruments;
- ~~(10)~~(11) Novelty items, pens, pencils, and buttons;
- ~~(11)~~(12) Precision dental, medical and optical goods;
- ~~(12)~~(13) Signs, including electric and neon signs and advertising displays;
- ~~(13)~~(14) Toys;
- ~~(14)~~(15) Wood crafting and carving; and
- ~~(15)~~(16) Wood furniture and upholstery.

Standards and conditions:

- (a) In T2—T3 traditional neighborhood districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the particular location.
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing or cultivation processes shall not be discernable beyond the property line.
- (c) Except in industrial districts, the use of volatile solvents for cannabinoid extractions is prohibited.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE VI. - 65.800. INDUSTRIAL USES

Sec. 65.810. Light manufacturing.

Light manufacturing includes, but is not limited to, the following:

- (a) Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, electronic components, feathers, felt, fiber, fur, glass, hair, horn, leather, nonferrous metals, paper, plastic, precious or semiprecious metals or stones, rubber (excluding rubber or synthetic processing, tires and inner tubes), steel, sheet metal, shell, textiles and fabrics, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns;
- (b) Manufacture or assembly of automobiles, boats less than one hundred (100) feet in length, and electrical appliances and equipment;
- (c) Bottling, all beverages;
- (d) Manufacture, assembly, compounding, processing, packaging or treatment of such products as, but not limited to: hardware and cutlery, nontoxic chemicals, pharmaceuticals, and food products (excluding slaughtering of animals and preparation of meat for packing, sugar refining, oils, and grain, feed or flour milling, processing or storage);
- (e) Manufacture of glass and glass products, ceramics, china, pottery and other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
- (f) Metal working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.
- (g) More than 15,000 sq. ft. of cannabis and hemp product manufacturing within an indoor facility.

Sec. 65.824. Greenhouse, industrial.

Wholesale business whose principal activity is the growing and selling of plants within an enclosed building, including commercial cannabis cultivation over 15,000 sq. ft.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE VII. - 65.900. ACCESSORY USES

Sec. 65.910. Accessory use or accessory.

A building, structure, or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

....

- (q) Homeless services facility accessory to a religious institution, subject to the standards and conditions in section 65.240.
- (r) Cannabis transportation and delivery accessory to a cannabis business.
- (s) Cannabis and hemp product manufacturing accessory to craft breweries, craft wineries, or craft distilleries.
- (t) Cannabis cultivation for research or educational purposes, accessory to a college, university, or similar institution of higher learning.

**Chapter 66. - Zoning Code - Zoning District Uses,
Density and Dimensional Standards**

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Division 2. - 66.320. Principal Uses in Traditional Neighborhood Districts

Sec. 66.321. Principal uses.

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1—T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
Commercial Uses					
Business sales and services		P	P		(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Drive-through sales and services, principal and accessory		C			(s)
Dry cleaning, commercial laundry		P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	(d), (s)

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ARTICLE IV. - 66.400. BUSINESS DISTRICTS

Division 2. - 66.420. Principal Uses in Business Districts

Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Commercial Uses								
Office, Retail, and Service Uses								
Business sales and services					P	P	P	(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	(s)

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ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 2. - 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Commercial Uses					
Office, Retail, and Service Uses					
Business sales and services	P	P	P		(d)
<u>Cannabis retail</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d),(s)</u>
Drive-through sales and services, principal and accessory	P	P	P		(s)

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ARTICLE IX. - 66.900. FORD DISTRICTS

Division 2. - 66.920. Ford District Uses

Sec. 66.921. Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
Commercial Uses							
Office, Retail and Service Uses							
Business sales and services					P	P	(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d),(s)</u>
Dry cleaning, commercial laundry			P	P	P		