

CITY OF PLYMOUTH

ORDINANCE No. 2024-

ORDINANCE AMENDING CHAPTER 21 ENTITLED THE ZONING ORDINANCE OF THE PLYMOUTH CITY CODE (2024-)

THE CITY OF PLYMOUTH ORDAINS:

Section 1. Amendment of City Code. Section 21005.02 of the Plymouth City Code (RULES AND DEFINITIONS – Definitions, Cannabis Related) definition of Cannabis Related is hereby amended with existing text, new text, and ~~deleted text~~ as follows:

Cannabis Related:

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

- (a) Cannabis Retail Buffer: No cannabis business making retail sales to customers may operate within 500 feet from any school or Residential Treatment Facility. The distance shall be measured from the freestanding parcel upon which the Cannabis Retailer is to be licensed to the nearest point of the school or residential treatment facility parcel. No cannabis business making retail sales to customers may operate, and no registration will issue, if any portion of any contiguously owned school or Residential Treatment Facility parcels are within the 500-foot buffer. The establishment of a school or Residential Treatment Facility within the prohibited area after the original license application has been granted shall not, in and of itself, render such premises ineligible for renewal of license or expansion. In multitenant buildings, the buffer shall be measured from the closest exterior walls of owned or leased tenant space.
- (b) Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. A place of public accommodation shall not include a private residence, including the individual's curtilage or yard; private property not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or the premises of an establishment or event licensed to permit on-site consumption.
- (c) State License, Cannabis: An approved license issued by the State of Minnesota's Office of Cannabis Management (OCM) to a cannabis retail business.

~~(b) Distribution facility: Any building, structure, vehicle or grounds where the storage or distribution (including either retail or wholesale distribution) of cannabis is performed.~~

~~(c) Laboratory: Any permanent or temporary building or structure; any mobile structure or vehicle; corporation; or other entity that examines, analyzes or tests samples of cannabis.~~

~~(d) Manufacturing or manufacture: The process of converting or packaging harvested cannabis plant material into medical or recreational cannabis.~~

Section 2. Amendment of City Code. Section 21005.02 of the Plymouth City Code (RULES AND DEFINITIONS - Definitions) definition of Greenhouse is hereby amended with ~~deleted text~~ as follows:

Greenhouse: An enclosed building, permanent or portable, which is used for the growing of ~~small~~ plants.

Section 3. Amendment of City Code. Section 21005.02 of the Plymouth City Code (RULES AND DEFINITIONS - Definitions) definition of Nursery, Landscape is hereby amended with existing text and new text as follows:

Nursery, Landscape: An enterprise which conducts the retail and wholesale sale of plants grown on the site, excluding cannabis, as well as accessory items directly related to their care and maintenance. The accessory items normally sold include clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels and the like, but do not include power equipment such as gas or electric lawnmowers and farm implements.

Section 4. Amendment of City Code. Section 21005.02 of the Plymouth City Code (RULES AND DEFINITIONS - Definitions) is hereby amended to add the definition of Residential Treatment Facility with the following new text as follows:

Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23 or licensed under Minn. Stat. § 245G.21.

Section 5. Amendment of City Code. Section 21000.15 of the Plymouth City Code (TITLE AND APPLICATION – Prohibited Uses) Subdivision 1 is hereby removed with existing, new text, and ~~deleted text~~ as follows:

21000.15. ~~Prohibited Uses.~~ Reserved

~~The following uses are prohibited in all zoning districts within the City:~~

~~Subd. 1. Cultivation or harvesting of cannabis, cannabis manufacturing, cannabis distribution facilities, and cannabis laboratories for anything other than medical cannabis use.~~

Section 6. Amendment of City Code. Section 21145.04 Subdivision 4 of the Plymouth City Code (HOME OCCUPATIONS – Prohibited Home Occupation Activities) is hereby amended with existing, new text, and ~~deleted text~~ as follows, including renumeration and alphabetization of subsequent items:

(a) Auto repair, whether for consideration or not, of vehicles which are not registered to a resident of the dwelling, or to a son or daughter, sibling, parent, grandparent, or grandchild of a resident on the property.

(b) Businesses, educational programs or similar gatherings which meet on a regular basis and have more than five non-residents in attendance at a time.

(c) Cannabis- or hemp-related uses, including but not limited to: cultivation, distribution, manufacturing, or retail of cannabis, medical cannabis, or lower-potency hemp edible products.

~~(e)~~ (d) Gun or ammunition sales/repair.

~~(d)~~ (e) Music instruction or recording studios, unless conducted within a single-family detached dwelling.

~~(e)~~-(f) Pet care facilities, except for pet grooming.

Section 7. Amendment of City Code. Section 21194 of the Plymouth City Code (MEDICAL CANNABIS) is hereby amended to CANNABIS with ~~deleted text~~ and new text as follows:

SECTION 21194 - ~~MEDICAL~~ CANNABIS

21194.01. Purpose and Intent.

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Plymouth to protect the public health, safety, welfare of the City of Plymouth residents by regulating cannabis businesses within the legal boundaries of the City of Plymouth. The City of Plymouth finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Plymouth, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

21194.03. Cannabis Retail Buffer.

No cannabis business making retail sales to customers may operate within 500 feet from any school or Residential Treatment Facility. The distance shall be measured from the freestanding parcel upon which the Cannabis Retailer is to be licensed to the nearest point of the school or

residential treatment facility parcel. No cannabis business making retail sales to customers may operate, and no registration will issue, if any portion of any contiguously owned school or Residential Treatment Facility parcels are within the 500-foot buffer. The establishment of a school or Residential Treatment Facility within the prohibited area after the original license application has been granted shall not, in and of itself, render such premises ineligible for renewal of license or expansion. In multitenant buildings, the buffer shall be measured from the closest exterior walls of owned or leased tenant space.

21194.05 Hours of Operation.

Hours of operation for cannabis businesses with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products shall not exceed 10 am – 9 pm, Monday through Sunday.

21194.07. Limiting of Registrations

The City of Plymouth shall limit the number of registrations available for cannabis retailers, cannabis microbusinesses with retail endorsements, or cannabis mezzobusinesses with retail endorsements to no fewer than one registration for every 12,500 residents in the City of Plymouth.

21194.09 Registration of Cannabis Businesses

Subd. 1. Consent to Registering of Cannabis Businesses

- (a) No individual or entity shall operate any of the following state-licensed cannabis retail businesses within the City of Plymouth without first receiving an approved retail registration with the City of Plymouth.
 - a. Cannabis retailer
 - b. Cannabis microbusiness with retail endorsement
 - c. Cannabis mezzobusiness with retail endorsement
 - d. Medical cannabis retailer
 - e. Medical cannabis combination business
 - f. Lower-potency hemp edible retailer
- (b) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Subd. 2. Compliance Checks Prior to Retail Registration

- (a) Prior to issuance of a cannabis retail business registration, the City of Plymouth shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (b) Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Plymouth shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Subd. 3. Registration and Application Procedure

- (a) Fees. The City of Plymouth shall not charge an application fee. A registration fee, as established in the City of Plymouth's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
- (b) An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
- (c) Any renewal retail registration fee imposed by the City of Plymouth shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (d) A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.
- (e) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

Subd. 4. Application Submittal.

- (a) The City of Plymouth shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.
- (b) An applicant for a retail registration shall fill out an application form, as provided by the City of Plymouth. Said form shall include, but is not limited to:
 - a. Full name of the property owner and applicant.
 - b. Address, email address, and telephone number of the applicant
 - c. The address and parcel ID for the property which the retail registration is sought.
 - d. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- (c) The applicant shall include with the form:
 - a. The registration fee as required in this Section.
 - b. A copy of a valid state license or written notice of OCM license preapproval
- (d) Once an application is considered complete, the City of Plymouth shall inform the applicant as such, process the registration fees, and forward the application to the City Clerk's Office for approval or denial.
- (e) The registration fee shall be non-refundable once processed.
- (f) A state-licensed cannabis retail business registration application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under this Section.
- (g) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (h) A state-licensed cannabis retail business registration application that meets the requirements of this ordinance shall be approved.
- (i) Registrations are site-specific and non-transferrable. Businesses holding a valid registration may apply to register at a new location. This shall be considered a registration renewal for the purposes of assessing fees. The City may process the application, and issuance of the new registration shall immediately cancel the prior registration.

Subd. 5 Annual Compliance Checks.

- (a) The City of Plymouth Public Safety Department shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance
- (b) The City of Plymouth Public Safety Department shall conduct at minimum one unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.
- (c) Any failures under this section must be reported to OCM.

Subd. 6. Renewal of Registration

- (a) The City of Plymouth shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
- (b) A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Plymouth.
- (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (d) The City of Plymouth shall charge a renewal fee for the registration starting at the second renewal, as established in the Fee Schedule.
- (e) Application for renewal shall include all items outlined in Subd. 4.

Subd. 7. Suspension of Registration

- (a) When Suspension is Warranted. The City of Plymouth may suspend a cannabis retail business's registration if it violates this ordinance, state law, or poses an immediate threat to the health or safety of the public. The City of Plymouth shall immediately notify the cannabis retail business in writing the grounds for the suspension.
- (b) Notification to OCM. The City of Plymouth shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Plymouth and Cannabis Retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (c) Length of Suspension. A jurisdiction can wait for a determination from the OCM before reinstating a registration. The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. The City of Plymouth may reinstate a registration if it determines that the violations have been resolved. The City of Plymouth shall reinstate a registration if OCM determines that the violation(s) have been resolved.

(d) Civil Penalties. Subject to Minn. Stat. 342.22, subd. 5(e), the City of Plymouth may impose a civil penalty, as specified in the Fee Schedule for registration violations, not to exceed \$2,000.

21194.11 Temporary Cannabis Events

Subd. 1. License or Permit Required for Temporary Cannabis Events

(a) License Required. A Temporary License and Administrative Permit is required to be issued and approved by the City of Plymouth prior to holding a Temporary Cannabis Event.

- a. The Temporary License shall be issued by the City Clerk and shall follow the procedures for Temporary On-Sale Licenses for Alcoholic Beverages as outlined in Section 1201 of this Code. A copy of the OCM cannabis event license application shall be included with the application, submitted pursuant to Minnesota Statute.
- b. The Administrative Permit shall be issued by the Planning Division and shall follow the process for Temporary Events and Outdoor Sales as outlined in each eligible zoning district. A copy of the OCM cannabis event license application shall be included with the application, submitted pursuant to Minnesota Statute.

(b) Onsite Consumption.

- a. Temporary cannabis events shall be allowed on-site consumption of cannabis products that follow City Code Section 970.
- b. No smoking, vaping, or consumption via electronic delivery device shall be allowed. Consumption of cannabis or hemp products during Temporary Cannabis Events shall be allowed via edible products or beverages only.

(c) Additional Event Standards.

- a. Temporary cannabis events may only be held on non-residential properties.
- b. Temporary cannabis events may only be held between the hours of 8 am and 9 pm.

~~21194.01.—Purpose and Intent.~~

~~The purpose of this section is to protect and promote the general welfare, health, safety, and order within the City of Plymouth through the regulation of medical cannabis. The provisions of this section are intended to identify where medical cannabis manufacturing, associated laboratory testing, and distribution are allowable with the City and the standards they must meet in order to operate in these identified areas.~~

~~21194.03.—District Application.~~

~~Subd. 1. Medical cannabis manufacturing facilities and testing laboratories are allowable within the I-3 (Heavy Industrial) zoning district subject to the approval of a conditional use permit,~~

~~pursuant to the procedures, general performance standards, and regulations established by Section 21015 of this Chapter.~~

~~Subd. 2. Medical cannabis distribution facilities are allowable within the I-3 (Heavy Industrial) zoning district subject to the approval of a conditional use permit, pursuant to the procedures, general performance standards, and regulations established by Section 21015 of this Chapter.~~

~~21194.05. – Performance Standards.~~

~~Subd. 1. All medical cannabis manufacturing facilities and laboratories shall comply with all of the following performance standards.~~

~~(a) The operator of a manufacturing facility or laboratory shall secure all applicable licenses and approvals from the City, County, State or other applicable jurisdictions before the conditional use permit becomes effective.~~

~~(b) All cultivation, harvesting, manufacturing, packaging, processing, and testing of medical cannabis shall take place in a permanent, locked building and may not be located in a trailer, cargo container or motor vehicle.~~

~~(c) The facilities shall provide security protection, including but not limited to, a fully operational alarm system, facility access controls, perimeter detection systems and a personnel identification system.~~

~~(d) A manufacturing facility or laboratory shall not be located within 5,280 feet of any other facility manufacturing, testing or distributing medical cannabis.~~

~~(e) A manufacturing facility or laboratory shall not be located within 1,000 feet of a public or private school.~~

~~(f) A manufacturing facility or laboratory shall not be located within 500 feet of residentially zoned property.~~

~~(g) Any display of merchandise, interior signs, or other exhibits which are visible from outside these facilities shall be prohibited.~~

~~(h) The facilities shall provide for proper disposal of cannabis remnants or by-products; such remnants and by-products shall not be placed within a facility's exterior refuse containers.~~

~~(i) There shall be no emission of dust, fumes, vapors, or odors into the environment from these facilities.~~

~~(j) No on-premises consumption shall be permitted. (k) There shall be no retail sales at these facilities.~~

~~Subd. 2. All medical cannabis distribution facilities shall comply with all of the following performance standards.~~

~~(a) Distribution shall be permitted only for Qualifying Medical Conditions.~~

~~b) The operator of a distribution facility shall secure all applicable licenses and approvals from the City, County, State or other applicable jurisdictions before the conditional use permit becomes effective.~~

~~(c) The distribution facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.~~

~~(d) The distribution facility shall not be located within 5,280 feet of any other facility manufacturing, testing or distributing medical cannabis.~~

~~(e) The distribution facility shall not be located within 1,000 feet of a public or private school.~~

~~(f) The distribution facility shall not be located within 500 feet of residentially zoned property.~~

~~(g) Any display of merchandise, interior signs, or other exhibits which are visible from outside the distribution facility shall be prohibited.~~

~~(h) No manufacture or production of medical cannabis shall be permitted at the facility.~~

~~(i) No on-premises consumption shall be permitted.~~

~~(j) Off-site delivery is prohibited.~~

~~(k) No drive-through shall be permitted at the facility.~~

~~(l) Off-street parking shall be provided at a minimum of five spaces per 1,000 square feet of gross floor area.~~

~~(m) Annually, within 15 days of receipt, a copy of the registration required by Minn. Stat. 152.25, Subd. 1, as may be amended, shall be provided to the Public Safety Director.~~

Section 8. Amendment of City Code. Section 21460.03 of the Plymouth City Code (C-2 NEIGHBORHOOD COMMERCIAL DISTRICT – Permitted Uses) is hereby amended with new text as follows, including renumeration and alphabetization of subsequent items:

Subd. 11. Cannabis Retailer subject to the Cannabis Retail Buffer.

Section 9. Amendment of City Code. Section 21460.03 of the Plymouth City Code (C-2 NEIGHBORHOOD COMMERCIAL DISTRICT – Permitted Uses) is hereby amended with new text as follows, including renumeration and alphabetization of subsequent items:

Subd. 24. Lower-Potency Hemp Edible Retailer

Section 10. Amendment of City Code. Section 21470.03 of the Plymouth City Code (C-4 COMMUNITY COMMERCIAL DISTRICT – Permitted Uses) is hereby amended with new text as follows, including renumeration and alphabetization of subsequent items:

Subd. 19. Cannabis Retailer subject to the Cannabis Retail Buffer.

Section 11. Amendment of City Code. Section 21470.03 of the Plymouth City Code (C-4 COMMUNITY COMMERCIAL DISTRICT – Permitted Uses) is hereby amended with new text as follows, including renumeration and alphabetization of subsequent items:

Subd. 44. Lower-Potency Hemp Edible Retailer

Section 12. Amendment of City Code. Section 21560.03 of the Plymouth City Code (I-1 LIGHT INDUSTRIAL DISTRICT – Permitted Uses) is hereby amended with existing, new text, and ~~deleted text~~ as follows, including renumeration and alphabetization of subsequent items:

Subd. 7. Cannabis Cultivation.

Subd. 8. Cannabis Manufacturer.

Subd. 9. Cannabis, Medical Combination Business subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 10. Cannabis Mezzobusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 11. Cannabis Microbusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 12. Cannabis Testing Facility.

Section 13. Amendment of City Code. Section 21565.03 of the Plymouth City Code (I-2 GENERAL INDUSTRIAL DISTRICT – Permitted Uses) is hereby amended with new text and ~~deleted text~~ as follows, including renumeration and alphabetization of subsequent items:

Subd. 8. Cannabis Cultivation.

Subd. 9. Cannabis Manufacturer.

Subd. 10. Cannabis, Medical Combination Business subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 11. Cannabis Mezzobusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 12. Cannabis Microbusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 13. Cannabis Testing Facility.

Section 14. Amendment of City Code. Section 21570.05 of the Plymouth City Code (I-3 HEAVY INDUSTRIAL DISTRICT – Permitted Uses) is hereby amended with existing, new text and ~~deleted text~~ as follows, including renumeration and alphabetization of subsequent items:

Subd. 8. Cannabis Cultivation.

Subd. 9. Cannabis Manufacturer.

Subd. 10. Cannabis, Medical Combination Business subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 11. Cannabis Mezzobusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 12. Cannabis Microbusiness subject to the retail limitations of this section and the Cannabis Retail Buffer if the business offers retail sales.

Subd. 13. Cannabis Testing Facility.

Section 15. Effective Date. This amendment shall take effect immediately upon its passage.

ADOPTED by the City Council this 12th day of November, 2024.

Jeffry Wosje, Mayor

ATTEST

Jodi M. Gallup, City Clerk