

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
SEPTEMBER 24, 2024
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action may be deferred to staff for research and future Planning Commission Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for September 10, 2024.

SCHEDULED PUBLIC HEARINGS:

2. Ordinance Regulating Cannabis Businesses.
Location: The City of Wyoming.
Applicant: The City of Wyoming.

NEW BUSINESS:

OLD BUSINESS:

3. Comprehensive Plan

COMMUNICATIONS:

UPDATES:

ADJOURN

UPCOMING:

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
SEPTEMBER 10, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for September 10, 2024 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Katie West, Dan Iverson, Mark Holl, and Chris Ortwerth

ABSENT: None

Also Present: Fred Weck Zoning Administrator, City Planner Kim Lindquist, and Council Liaison Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for August 27, 2024**

A MOTION WAS MADE BY COMMISSIONER ORTWERTH, SECONDED BY COMMISSIONER HOLL, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR AUGUST 27, 2024 AS SUBMITTED.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, Lobermeier, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

SCHEDULED PUBLIC HEARINGS:

- 2. Rezone: Z-24-002 Agricultural (A) to Rural Residential (R-1)**
Location: 24989 Heath Avenue
Applicant: Comfort Lake Forest Lake Watershed District
Owner: Andrea Vollrath
Property ID Number: 21.10703.00
- 3. Sketch Plan: D-24-002**
Location: 24989 Heath Avenue
Applicant: Comfort Lake Forest Lake Watershed District
Owner: Andrea Vollrath
Property ID Number: 21.10703.00

City Planner Lindquist gave an overview of the rezoning request for property located at 24989 Heath Avenue from Agricultural to Rural Residential. She explained that rezoning this parcel would allow the City to approve a future lot split that would comply and also allow the City to bring the property into compliance with the Comprehensive Plan designation. She noted that the outlot did not have any setback information listed in the staff report because the intent was for it to be used by the Comfort Lake Forest Lake Watershed District for stormwater purposes. She explained that there would not be any park dedication fees associated with the outlot because it was not a buildable lot. She reviewed details of the Sketch Plan and noted that the Comfort Lake Forest Lake Watershed District was working on the ponding and details of that will come in a later phase. She stated that staff was recommending that the Commission support the rezoning and the sketch plan.

Blayne Eineichner, Project Coordinator, Comfort Lake Forest Lake Watershed District, stated that he had been working with the property owner and they have indicated that they were willing to subdivide and sell a portion of their property to them for a water quality improvement project. He explained that they were proposing an iron enhanced sand filter at this location which would draw water from the pipeline that runs along Health Avenue. He noted that the iron filings in the sand would bind to phosphorus found in the water so there would be clean water exiting to filter going downstream. He stated that this should benefit Little Comfort Lake and believes they have estimated that it will remove about 80 pounds of phosphorus per year. He stated that WSB was currently reviewing their initial designs and following any necessary changes to them would like to enter into an agreement with the City regarding the pipeline along Heath Avenue.

Zoning Administrator Weck asked what type of 'agreement' Mr. Eineichner was referring to.

Mr. Eineichner explained that at this point it would be a project agreement that would define the roles of the watershed district as well as the City.

Zoning Administrator Weck confirmed that the City would still own the pipeline.

Mr. Eineichner stated that was correct and the watershed district would own the filter and the pumps

Chair Lobermeier noted that the pipeline was just shown as a culvert on the survey and asked if it would actually be more than that.

Mr. Eineichner stated that he believed that right now it was just a pipe ditch.

Chair Lobermeier asked who would have the long-term maintenance responsibilities for this system.

Mr. Eineichner stated that the watershed district would have ownership and would also maintain the facility on that site.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:15 P.M.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, Lobermeier, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

There were no public comments.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO

CLOSE THE PUBLIC HEARING AT 7:15 P.M.

Voting Aye: Ortwerth, West, Holl, Lobermeier, and Iverson
Voting Nay: None
Abstain: None
Absent: None

Commissioner Holl stated that this request works within the City's Comprehensive Plan, so he felt it was a good idea.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER ORTWERTH, TO RECOMMEND APPROVE THE REZONING: Z-24-002 AGRICULTURAL (A) TO RURAL RESIDENTIAL (R-1) LOCATED AT 24989 HEATH AVENUE FOR APPLICANT: COMFORT LAKE FOREST LAKE WATERSHED DISTRICT, OWNER: ANDREA VOLLRATH, PROPERTY ID NUMBER: 21.10703.00, AS PRESENTED, AND; RECOMMEND APPROVAL OF SKETCH PLAN: D-24-002, LOCATED AT 24989 HEATH AVENUE, FOR APPLICANT: COMFORT LAKE FOREST LAKE WATERSHED DISTRICT AND OWNER: ANDREA VOLLRATH, FOR PROPERTY ID NUMBER: 21.10703.00 .

Voting Aye: Ortwerth, West, Holl, Lobermeier, and Iverson
Voting Nay: None
Abstain: None
Absent: None

Jackie Anderson stated that the information shared about the phosphorus reduction did not sound very significant but explained that they were really trying to control the algae bloom which this will help.

NEW BUSINESS: NONE

COMMUNICATIONS:

Chair Lobermeier noted that he and Zoning Administrator Weck would be attending the upcoming City Council Work Session.

UPDATES:

A MOTION WAS MADE BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER IVERSON, TO ADJOURN THE SEPTEMBER 10, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:16 PM.

Voting Aye: Ortwerth, West, Holl, Lobermeier, and Iverson
Voting Nay: None
Abstain: None
Absent: None



Memorandum

Date: September 20, 2024

Presented to: Planning Commission

Presented by: Zoning Administrator / Building Official Frederick E. Weck, IV

Department: Planning & Zoning

Reference: Public Hearing – Adult Use Cannabis Ordinance

Method: New Business

Background Information:

With this memorandum you will find the draft ordinance and the guide produced by the MN Office of Cannabis Management, which includes a model ordinance template. The model ordinance provided some options for the city to consider. The following are the choices that were made by the Planning Commission after discussion:

12-404 Enforcement - The city clerk administrator is responsible for the administration and enforcement of the ordinance.

12-405 Definitions – Excluded lower potency hemp edible retailers from the definition of a Cannabis Retail Business.

12-410 Registration of Cannabis Businesses – Set the civil penalty at the maximum of \$2,000.00.

12-411 Compliance Check Prior to Retail Registration – The city will conduct a preliminary compliance check.

12-412 Registration and Application Procedure, Fees – The City Council will need to set a registration fee in the city's fee schedule. The registration fee cannot exceed \$500.00. The City Council will also need to set a renewal registration fee in the city's fee schedule. The renewal registration fee cannot exceed \$1,000.00.

12-412 Registration and Application Procedure, Application Submittal – In order to keep from having to amend the ordinance every time the application form or the supplemental material to be submitted are revised the sentence "Other information as required in the application form" was added to the list of statutory requirements.

12-412 Registration and Application Procedure, Application Submittal – The City Council will approve all regulated cannabis businesses.



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938

12-412 Registration and Application Procedure, Location Change – If a registered business decides to change locations they will be required to submit a new application to the city.

12-414 Suspension of Registration, Length of Suspension – The City may, as opposed to shall, reinstate the registration if the Office of Cannabis Management (OCM) determines that any violations have been resolved,

12-415 Limiting of Registrations – The Planning Commission selected the minimum number of registrations allowed, which is one per 12,000 population. This number can be increased and does not include a municipal retail location if the city chooses to do so.

12-420 Minimum Buffer Requirements – The Planning Commission chose the most restrictive option available for each category. Clarification that the distance will be measured from the parcel property line was added. Maps have been created to show where these areas are and the buffer around them.

12-421 Zoning and Land Use – The zoning districts that were selected to allow each State license type were based on businesses that are currently allowed in that district. All are interim uses to ensure that if a new business moves into an existing location that they will also need to go through the same process as the original business.

12-422 Hours of Operation – These are the same hours that alcohol is allowed to be sold.

Division 4 Temporary Cannabis Events – The process for temporary event registration is similar to the process for the registration of a permanent business.

Division 5 Local Government as a Cannabis Retailer – This division allows the City to operate its own dispensary if it wishes to do so.

The model ordinance also has an optional section concerning the regulation of Lower Potency Hemp Edibles. The Planning Commission chose not to include this in the draft ordinance and allow State statute to be the guide for these products that are already available to be sold at this time.

The Planning Commission needs to make a recommendation to the City Council by the Commission's regular meeting on October 22nd. The October date allows the City Council to have two meetings to discuss and adopt the ordinance before the moratorium expires.

Fred Weck

Zoning Administrator

Building Official #MN1825

Advanced Septic Inspector #C5199



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938

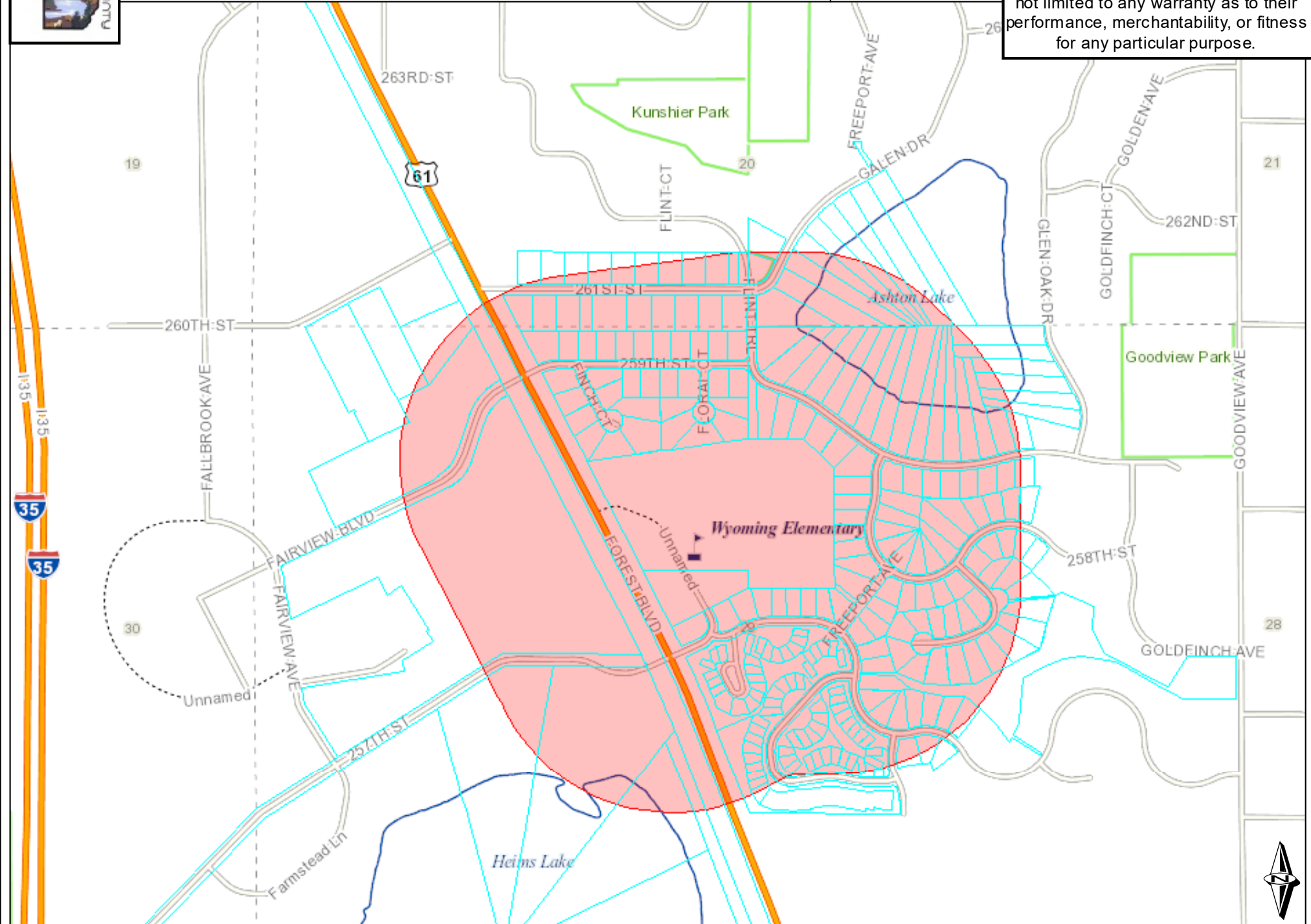


School 1,000 Feet

Date: 7/23/2024
Time: 3:31:37 PM

These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

0 215 430 860 ft





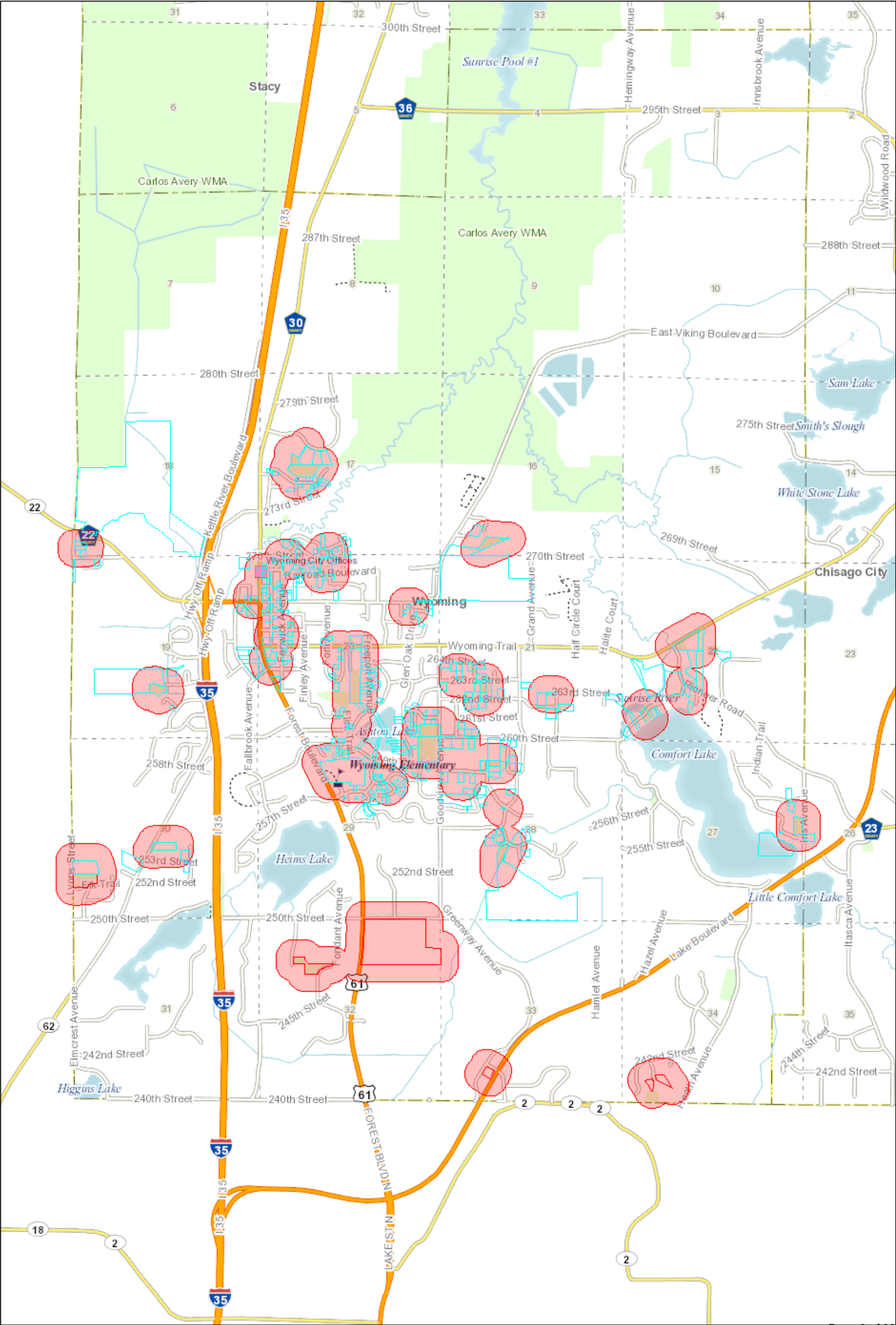
Parks & Child Care 500 Feet

Date: 7/23/2024 Time: 3:26:05 PM

0 7001,400 2,800 ft



These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



STATE OF MINNESOTA
COUNTY OF CHISAGO
CITY OF WYOMING

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 12, BUSINESSES; CREATING ARTICLE VII, ESTABLISHING REGULATIONS FOR CANNABIS BUSINESSES AND AMENDING CHAPTER 40, ARTICLE VI, DIVISIONS 2, & 9 – 13 AMENDING ZONING DISTRICT ALLOWED USES FOR LICENSED CANNABIS BUSINESSES.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that Chapters 12 and 40 of the Wyoming City Code are amended as follows:

ARTICLE VII CANNABIS BUSINESSES.

DIVISION 1. ADMINISTRATION.

Sec. 12-401. Findings and Purpose.

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes The City of Wyoming to protect the public health, safety, welfare of the City of Wyoming residents by regulating cannabis businesses within the legal boundaries of the City of Wyoming.

The City of Wyoming finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Wyoming, 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.

Sec. 12-402. Authority and Jurisdiction.

The City of Wyoming has the authority to adopt this ordinance pursuant to:

- (1) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (2) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (4) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- (5) Ordinance shall be applicable to the legal boundaries of the City of Wyoming.

Sec. 12-403. Severability.

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.

Sec. 12-404. Enforcement.

The city clerk administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Sec. 12-405. Definitions.

- (1) 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.
- (2) Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by OCM.
- (3) Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, ~~(and/excluding)~~ lower-potency hemp edible retailers.
- (4) Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- (5) Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- (6) Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 Subd. 50.
- (7) Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- (8) 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.
- (9) Preliminary License Approval: OCM preapproval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- (10) Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- (11) Residential Treatment Facility: As defined under Minn. Stat. 245.462 Subd. 23.
- (12) Retail Registration: An approved registration issued by the City of Wyoming to a state-licensed cannabis retail business.

- (13) School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
- (14) State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

DRAFT

DIVISION 2.

REGISTRATION OF CANNABIS BUSINESSES.

Sec. 12-410. Consent to registering of Cannabis Businesses.

- (1) No individual or entity may operate a state-licensed cannabis retail business within the City of Wyoming without first registering with the City of Wyoming.
- (2) 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.
- (3) Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

Sec. 12-411. Compliance Check Prior to Retail Registration.

- (1) Prior to issuance of a cannabis retail business registration, the City of Wyoming shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (2) Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Wyoming 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.

Sec. 12-412. Registration and Application Procedure.

- (1) Fees.
 - (a) The City of Wyoming shall not charge an application fee.
 - (b) A registration fee, as established in the City of Wyoming's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
 - (c) 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.
 - (d) Any renewal retail registration fee imposed by the City of Wyoming shall be charged at the time of the second renewal and each subsequent renewal thereafter.
 - (e) 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.
 - (f) 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.
- (2) Application Submittal

The City of Wyoming shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

 - (a) An applicant for a retail registration shall fill out an application form, as provided by the City of Wyoming. Said form shall include, but is not limited to:

1. Full name of the property owner and applicant;
 2. Address, email address, and telephone number of the applicant;
 3. The address and parcel ID for the property which the retail registration is sought;
 4. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
 5. Other information as required in the application form.
- (b) The applicant shall include with the form:
1. the ~~application~~ registration fee as required in Section 12-412, (1);
 2. a copy of a valid state license or written notice of OCM license preapproval;
 3. Other information as required in the application form.
- (c) Once an application is considered complete, the city clerk administrator shall inform the applicant as such, process the ~~application~~ registration fees, and forward the application to the City Council for approval or denial.
1. The registration fee shall be non-refundable once processed.
- (3) Application Approval.
- (a) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 12-415.
 - (b) 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.
 - (c) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.
- (4) Annual Compliance Checks.
- (a) The City of Wyoming 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 Article.
 - (b) The City of Wyoming shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
 - (c) 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.
 - (d) Any failures under this section must be reported to the Office of Cannabis Management.

- (5) Location Change.
 - (a) A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 12-412, (2) if it seeks to move to a new location still within the legal boundaries of the City of Wyoming.

Sec. 12-413. Renewal of Registration.

- (1) Annual Renewal of Registration.
 - (a) The City of Wyoming 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 renew their registration on a form established by the City of Wyoming.
 - (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (2) Renewal Fees.
 - (a) The City of Wyoming may charge a renewal fee for the registration starting at the second renewal, as established in the City of Wyoming's fee schedule.
- (3) Renewal Application.
 - (a) The application for renewal of a retail registration shall include, but is not limited to:
 - 1. Items required under Section 12-412, (2) of this Ordinance.
 - 2. Other information as required in the application form.

Sec. 12-414. Suspension of Registration.

- (1) When Suspension is Warranted.
 - (a) The City of Wyoming may suspend a cannabis retail business registration if it violates the ordinance of the City of Wyoming or poses an immediate threat to the health or safety of the public. The City of Wyoming shall immediately notify the cannabis retail business in writing the grounds for the suspension.
- (2) Notification to OCM.
 - (a) The City of Wyoming shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Wyoming and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(3) Length of Suspension.

- (a) 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.
- (b) The City of Wyoming may reinstate a registration if OCM determines that the violation(s) have been resolved.

(4) Civil Penalties.

- (a) Subject to Minn. Stat. 342.22, Subd. 5(e) the City of Wyoming may impose a civil penalty, as specified in the City of Wyoming's Fee Schedule, for registration violations, not to exceed \$2,000.

Sec. 12-415. Limiting of Registrations.

The City of Wyoming shall limit the number of cannabis retail businesses to one.

DIVISION 3.

REQUIREMENTS FOR CANNABIS BUSINESSES.

Sec. 12-420. Minimum Buffer Requirements.

Buffer distances shall be measured from the property line of the proposed cannabis business to the property line of the protected use. The buffer distance for a property platted as a condominium shall be measured from the parent parcel property line to the property line of the protected use.

- (1) The City of Wyoming shall prohibit the operation of a cannabis business within 1,000 feet of a school.
- (2) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of a daycare.
- (3) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
- (4) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (5) Pursuant to Minn. Stat. 462.367 Subd. 14, nothing in Section 12-420 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

Sec. 12-421. Zoning and Land Use.

The City of Wyoming Zoning Ordinance, Chapter 40, shall be amended to incorporate licensed cannabis businesses as uses in suitable zoning districts as follows:

- (1) Cultivation.
 - (a) Cannabis businesses licensed or endorsed for cultivation are permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.
- (2) Cannabis Manufacturer.
 - (a) Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.
- (3) Hemp Manufacturer.
 - (a) Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.

- (4) Wholesale.
 - (a) Cannabis businesses licensed or endorsed for wholesale are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
- (5) Cannabis Retail.
 - (a) Cannabis businesses licensed or endorsed for cannabis retail are permitted as an interim use in the following zoning districts:
 - 1. Central Business (CBD) District.
 - 2. Commercial (C) District.
 - 3. Office and Health Care (OHC) District.
 - 4. Mixed Use (MXD) District.
- (6) Cannabis Transportation.
 - (a) Cannabis businesses licensed or endorsed for transportation are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
 - 3. Mixed Use (MXD) District.
- (7) Cannabis Delivery.
 - (a) Cannabis businesses licensed or endorsed for delivery are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
 - 3. Central Business (CBD) District.
 - 4. Commercial (C) District.
 - 5. Office and Health Care (OHC) District.
 - 6. Mixed Use (MXD) District.

Sec. 12-422. Hours of Operation.

- (1) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

Sec. 12-423. Advertising.

- (1) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by the City of Wyoming's sign ordinances.

DIVISION 4. TEMPORARY CANNABIS EVENTS.

Sec. 12-430. License or Permit Required for Temporary Cannabis Events.

- (1) License Required.
 - (a) A license or permit is required to be issued and approved by the City of Wyoming prior to holding a Temporary Cannabis Event.
- (2) Registration and Application Procedure.
 - (a) A registration fee, as established in the City of Wyoming's fee schedule, shall be charged to applicants for Temporary Cannabis Events.
- (3) Application Submittal and Review.
 - (a) The City of Wyoming shall require an application for Temporary Cannabis Events.
 1. An applicant for a temporary cannabis event ~~retail registration~~ shall fill out an application form, as provided by the City of Wyoming. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. Other information as required in the application form.
 2. The applicant shall include with the form:
 - i. The registration fee as required in Section 12-430, (2);
 - ii. A copy of the OCM cannabis event license application, submitted pursuant to 342.39 Subd. 2.
 - (b) The application shall be submitted to the city clerk administrator, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.
 - (c) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
 - (d) The registration fee shall be non-refundable once processed.
- (4) The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - (a) Other information as required in the application form.
- (5) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- (6) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of Wyoming shall notify the applicant of the standards not met and basis for denial.

DIVISION 5. LOCAL GOVERNMENT AS A CANNABIS RETAILER.

Sec. 12-440. The City of Wyoming may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

- (1) The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 12-415.
- (2) The City of Wyoming shall be subject to all of the same retail license requirements and procedures applicable to all other applicants.

DRAFT

DIVISION 6. USE IN PUBLIC PLACES.

Sec. 12-450. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Sec. 40 – 451–459. Reserved.

Passed and approved by the City Council of the City of Wyoming this ____ day of _____, 2024.

Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Clerk

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

DRAFT



A Guide for Local Governments on Adult-Use Cannabis



Table of Contents

Introduction	3
About OCM	4
Cannabis License Types	5
Adult-Use Cannabis Law	7
Cannabis Licensing Process.....	8
General Authorities	10
Zoning and Land Use	12
Local Approval Process	15
Inspections and Compliance Checks	18
Municipal Cannabis Stores	19
Creating Your Local Ordinance	20
Additional Resources	21

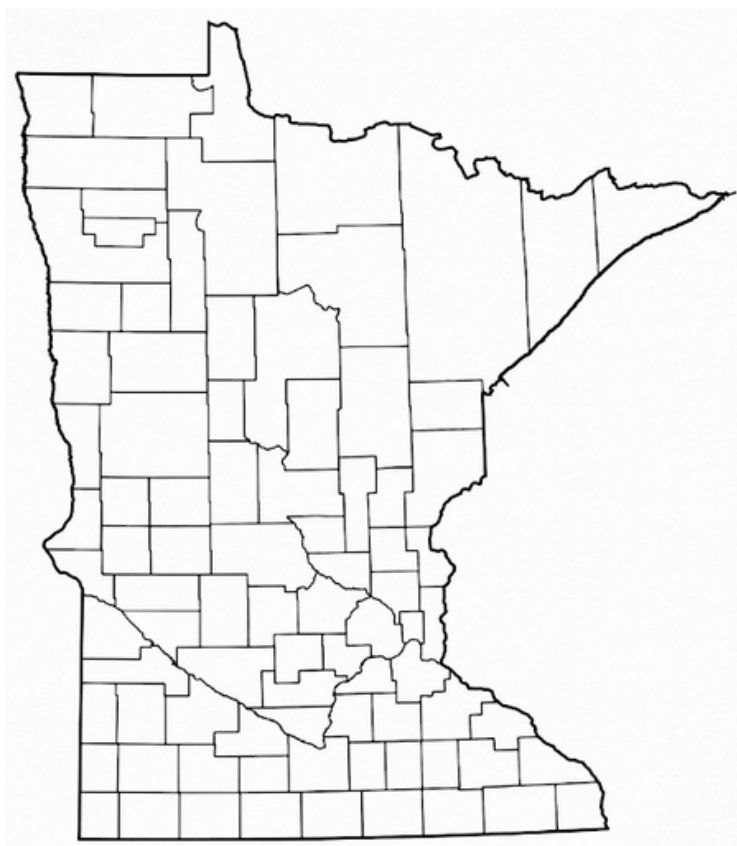
Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

Chapter 342 of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published — **this document will be updated** when such regulations become effective.



This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.

About OCM

Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

Microbusiness

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

Mezzobusiness

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

Cultivator

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

Manufacturer

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

Retailer

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

Wholesaler

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

License Types (continued)

Transporter

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

Testing Facility

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

Event Organizer

Event organizers may organize a temporary cannabis event lasting no more than four days.

Delivery Service

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

Medical Cannabis Combination Business

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

Lower-Potency Hemp Edible Manufacturer

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

Lower-Potency Hemp Edible Retailer

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

For Individuals

- **Possession limits:**
 - Flower – 2 oz. in public, 2 lbs. in private residence
 - Concentrate – 8 g
 - Edibles (including lower-potency hemp) – 800 mg THC
- **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- **Unlicensed sales** are not allowed.



For Businesses

- **Advertising:**
 - May not include or appeal to those under 21 years old.
 - Must include proper warning statements.
 - May not include misleading claims or false statements.
 - Billboards are not allowed.
- The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- All products sold to consumers and patients must be **tested for contaminants**.
- **Home delivery** is allowed by licensed businesses.



The Cannabis Licensing Process

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

License Preapproval: Early Mover Process for Social Equity Applicants

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.

The Cannabis Licensing Process (cont.)

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.*

General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.*

*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

Cannabis Retail Restrictions (342.13)

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

Tribal Governments (342.13)

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

Taxes (295.81; 295.82)

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

General Authorities (cont.)

Retail Timing Restrictions (342.13)

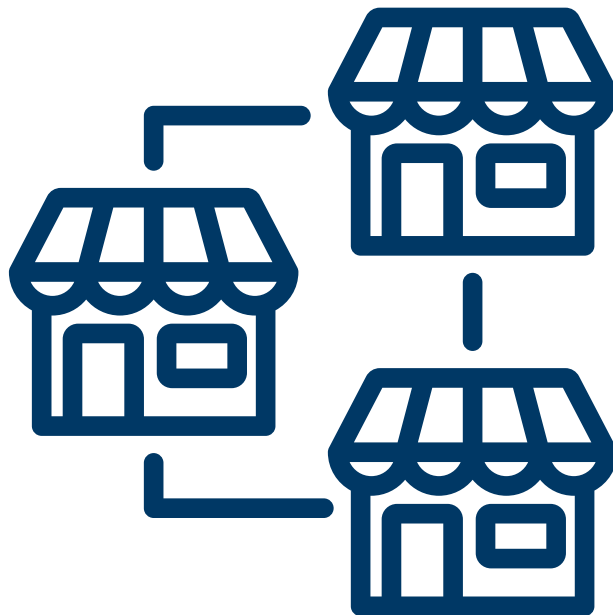
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

Operating Multiple Locations with One License

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- **Retailers:** up to five retail locations.
- **Mezzobusinesses:** up to three retail locations.
- **Microbusinesses:** up to one retail location.
- **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



Zoning and Land Use

Buffer Guidelines (342.13)

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation 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 playgrounds and athletic fields.

Zoning Guidelines

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production Outdoor: Agricultural	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.	Industrial, Commercial, Production	Need for transportation from facility Security

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities (continued)

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries. Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption. Retail sales by a licensed or endorsed retail business possible.

Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

Local Approval Process (cont.)

Local Retail Registration Process (342.22)

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
 - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

Determining a Process for Limiting Retail Registrations

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.

Local Approval Process (cont.)

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

Registration and Renewal Refusals

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual or business who no longer holds a valid license, has failed to pay the local registration or renewal fee, or has been found in noncompliance in connection with a preliminary or renewal compliance check.



Local Registration Suspension (342.22)

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

Expedited Complaint Process (342.13)

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.



Municipal Cannabis Stores

As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.

A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.



Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 11).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

Additional Resources

OCM Toolkit for Local Partners

Please visit OCM webpage (mn.gov/ocm/local-governments/) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix C: Enforcement Notice from the Office of Cannabis Management
- Appendix D: Notice to Unlawful Cannabis Sellers

Local Organizations

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

Appendix A: Model Ordinance

Cannabis Model Ordinance

The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

AN ORDINANCE OF THE (CITY/COUNTY OF) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), 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.

1.2 Authority & Jurisdiction

A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.

(insert local authority) has the authority to adopt this ordinance pursuant to:

- Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

1.3 Severability

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.

1.4 Enforcement

The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.

The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. 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.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. 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.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

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.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) 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.

2.3 Registration & Application Procedure

2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

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.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

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.

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.

2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (Insert additional standards here)

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
 - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) 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.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The (insert local here) 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/these [chapter/section/ordinances].

The (insert local here) 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.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

2.4 Renewal of Registration

The (insert local here) shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by (insert local here).

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.1 Renewal Fees.

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 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 (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 3. Requirements for Cannabis Businesses

State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

3.1 Minimum Buffer Requirements

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

3.2 Zoning and Land Use

For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. *Hemp Manufacturer.*

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. *Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. *Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. *Cannabis Transportation.*

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. *Cannabis Delivery.*

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.3 Hours of Operation

A jurisdiction may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m., seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.

Section 4. Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
 - i. the application fee as required in (Section 4.1.2);
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.
- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

- Insert standards here

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at (insert local place).

(Optional) Temporary cannabis events shall only be held between the hours of (insert start time) and (insert stop time).

Section 5. (Optional) Lower-Potency Hemp Edibles

A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.

5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

5.2 Zoning Districts

If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

5.3 (Optional) Additional Standards

5.3.1 Sales within Municipal Liquor Store.

A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

5.3.2 Age Requirements.

A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

5.3.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

5.3.4 Storage of Product.

A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Section 7 Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions
Minnesota Statute 152.01, Subdivision 9
Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes
Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
Business License and Registration Compliance				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabis/edibles/index.html)
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
Product Compliance – All Products				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?				MDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.
Does the business sell any edible products that are similar to a product marketed to or consumed by children?				Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.
Does the label on the edible or beverage state “Keep out of reach of children”?				All products must include the warning label “Keep out of reach of children.”
Is the manufacturer’s name, address, website, and contact phone number included on the label or provided through a QR code?				If not, the product is not in compliance.
Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?				All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.
Does the label on the product indicate the cannabinoids by serving and in total?				The label must indicate the potency by individual serving as well as in total.

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
Product Compliance – Edibles				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.

Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
Product Compliance - Beverages				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
Product Compliance – Smokables (non-flower)				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				A product's certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH's experience, most vapes contain 50% - 90%+ THC. Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as "infused" or "coated" have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
Product Compliance – Flower				
Does the business sell raw hemp flower?				Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale. THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost. To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9. That formula is as follows: $\text{Total THC} = (0.877 \times \text{THC-A}) + \text{d-9 THC}$ Raw flower must include a certificate of analysis to show testing below 0.3% delta-9. A lack of a certificate of analysis would constitute an illegal sale.

Question	Yes	No	Comments	Additional Information
				A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.
Product Compliance – On-Site Consumption				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

Appendix C: Enforcement Notice from the Office of Cannabis Management

Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.”

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6](#), OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under [Minnesota Statutes, chapter 342.19](#), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to cannabis.info@state.mn.us.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Charlene Briner", with a long horizontal flourish extending to the right.

Charlene Briner
Interim Director
Office of Cannabis Management

Appendix D: Notice to Unlawful Cannabis Sellers

Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota's cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products "without a license issued under this chapter that authorizes the sale." To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has "probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]" It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM "shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter."

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.



Memorandum

Date: September 17, 2024

Presented to: Mayor Iverson and City Council Members
Presented by: Mark Lobermeier Planning Commission Chairman
Frederick E. Weck, IV Zoning Administrator / Building Official
Department: Department of Building Safety
Reference: Comprehensive Plan Implementation
Method: Work Session

Background

In December 2022, the City Council adopted the updated Comprehensive Plan. The comprehensive plan is an extension of the community's vision for future growth and development. It is also a strategic road map to reach that goal. Comprehensive planning is an important tool to guide future development of land to ensure a safe, pleasant, and economically viable environment for residential, commercial, industrial, and public activities.

- The Comprehensive Planning process helps to:
- Protect important resources, agricultural, and other open lands.
- Create the opportunity for residents to participate in guiding a community's future.
- Identify issues, stay ahead of trends, and accommodate change.
- Ensure that growth makes communities better; not just bigger.
- Foster sustainable economic development.
- Provide an opportunity to consider future implications of today's decisions.
- Protect property rights and values.
- Enable other public and private agencies to plan their activities in harmony with City plans.

The comprehensive plan lays out a vision for future development and land use. It dictates where growth should occur, the type of growth that is allowed in various areas of the city, and the density of such growth. The plan becomes the basis for the following:

- Public facilities plan (water and sewer).
- Thoroughfare or transportation plan.
- Parks and open space plan.
- Capital Improvement Planning.

Plan Implementation

The Comprehensive Plan plan guides staff in making their day-to-day decisions and becomes a factor in their decision process. The Comprehensive Plan assists the City in articulating the basis for zoning decisions, providing legal support to ensure that zoning ordinances are reasonable and have a rational basis.



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938

The Comprehensive Plan calls for consistency between City actions and the policies of the plan. Those actions include:

- Development applications
- Capital improvements program
- Neighborhood and district plans
- Plans of other agencies as they affect Wyoming
- The Zoning Map

The Plan includes several implementation tasks related to Land Use. Other implementation tasks including Transportation, Utilities, Housing, Parks, and protection of the natural environment tasks result from land use plans.

Are we proposing to update zoning or to implement the comprehensive plan?

The Planning Commission is recommending community-wide zoning update to ensure that zoning is a direct reflection of the Comprehensive Plan. The advantages of continuity between zoning and the land use plan include:

1. Realizes the community vision.
2. Planning for future infrastructure (sewer, water, roads, housing, trails and open space)
3. Minimizing reactive re-zoning of individual parcels
4. Attracting development and re-development where it will fit best according to our plan.

Without rezoning, the Commission must continue to deal with a lot-by-lot reactive approach to development, development densities, availability of utilities, and surprises for adjacent property owners. Some examples include:

1. Gravel Hauling Business on TH 61.
2. Apartments by Heims Lake Villas.
3. Katies Glen – Goodview Avenue and Goodwin Lane.
4. Recent rezoning of R1 to Commercial on Hwy 8.
5. Recommended rezoning of Agriculture to R1 – on your agenda tonight.

What is involved in a community-wide zoning update?

The Commission and staff have been discussing for several months to understand the process and the impacts. At this stage, with the Council's support, the Commission would move forward and schedule a public hearing sometime this fall if possible.

Staff has developed an estimate of the number of properties affected. In many cases, the impact is minor, related only to setbacks etc. In some cases, the recommended changes would result in non-conforming uses. These details will be presented at the workshop.

Why is the Planning Commission recommending the zoning update?

The Commission sees the rezoning as an important tool to maintain the balance between property owners' rights and the ability of the City to achieve the Comprehensive Plan. Further, the zoning update will provide for efficient planning and construction of infrastructure and provide a basis to act on future zoning and development requests that are inconsistent with the comprehensive plan.

Comprehensive Plan – Rezoning of Parcels

Not including overlay districts the Zoning Ordinance has seven districts that are residential in nature and six that are business-related. The Comprehensive Plan map has five residential districts and six that are business related.

Zoning Ordinance	Comprehensive Plan	
Residential Districts		
Agricultural (A)	Agricultural	5 acre min. lot size
Rural Residential I (R1)	Semi-Rural Neighborhood	R1 one acre min. lot size.
Rural Residential II (R2)		R2 two acre min. lot size; 5 or more acres horses are allowed.
Single Family Residential (R3)	Single Family Residential Neighborhood	
One & Two Family Residential (R4)	Multi-Family Suburban Neighborhood	
Manufactured Home District (R5)	N/A	The city's two manufactured home parks.
Medium & High Density Housing (R6)	High Density Residential Neighborhood	
Business Districts		
Central Business (CBD)	Downtown Core	
Commercial District (C)	Commercial	
Office & Health Care (OHC)	Office & Health Care Business	
Mixed Use (MXD)	Mixed Use	
Industrial (I)	Industrial	
Closed Landfill Restricted (CLR)	N/A	

A spread sheet was created to compare a parcel's current zoning with the Comprehensive Plan map. There are 3,365 individual parcels in the city. Of those, 997 will need to be rezoned to match the Comprehensive Plan map. The table below contains 7 columns.

Zoning District	Rezone Parcels	Vacant Parcels	Use Remains Conforming	Makes Use Nonconforming	Acres To Rezone	Parcels With Correct Zoning
Agricultural	0	6	15	0	0	15
Commercial	64	14	14	50	766.64	49
Central Business	49	5	20	29	54.75	26
Industrial	48	10	15	33	692.77	27
Mixed Use	20	59	19	1	255.92	22
Office & Health Care	9	2	2	7	65.64	84
R1 & R2	97	11	96	1	957.23	832
R3	237	59	234	3	2464.29	1113
R3 Subdivided	350	57	345	5	757.26	
R4	57	58	55	2	283.94	36
R6	66	4	0	66	249.29	10
Total	997	266	800	197	6547.73	2214

Zoning District – These are the applicable districts that properties could be zoned to match the map.

Rezone Parcels – This is the number of parcels that need to be rezoned.

Vacant Parcels – These are parcels that according to the tax assessor do not have any structures on them. Some may be adjacent to one or more parcels that are owned by the same entity and are being used in conjunction with parcels that do have structures on them.

Use Remains Conforming – These are parcels where the current use is allowed in the district it would be rezoned to. There may be instances where the new district has property line setbacks that could make a structure nonconforming.

Makes Use Nonconforming – These are parcels that currently have an existing use that is not an allowed use in the district they will be rezoned to. An example would be a parcel with a single family dwelling being rezoned to the Industrial District. The Zoning Ordinance regulates nonconformities, some provisions of the ordinance will need to be updated in order to comply with a change in Statute. An explanation of those changes follows this summary.

Acres to Rezone – This is the total acreage in each zoning district that will be rezoned to that district.

Rezoning process:

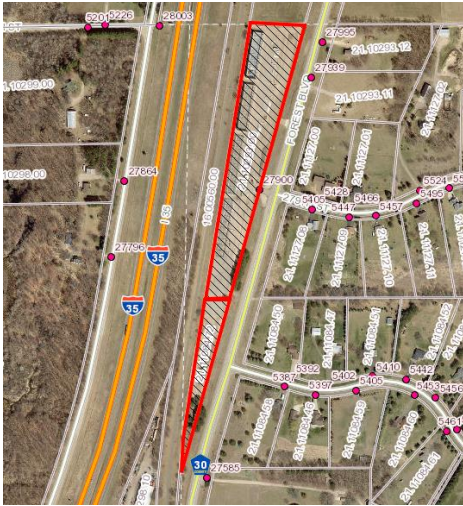
The Planning Commission will set a date for a public hearing to revise the City's zoning map to match the land uses that are on the Comprehensive Plan's Land Use Map. The earliest date that the public hearing can be held is May 14th. The public notice will be published in the Chisago County Press, the city website, and the city hall bulletin board. Individual mailings and notices will not be sent to affected & neighboring properties as would be the case when an individual parcel is rezoned.

Rezoning Questions / Issues

The 'Semi-Rural Neighborhood' encompasses both the R1 & R2 districts. The minimum lot size in the R1 district is one acre, it is two acres in the R2 district. Both require one acre of buildable area. Both districts allow the same permitted uses, conditional uses, interim conditional uses, and accessory uses. In addition, the R2 district also allows as a permitted use horse keeping on lots that are at least 5 acres in size, and allows mineral extraction and temporary road side stands as interim conditional uses. The R1 district allows 'Open Space Developments' as a conditional use. All of the parcels that need to be rezoned are currently zoned Agricultural (A), the majority are at least 5 acres in size. Only 4 parcels are less than 2 acres; they are one single family dwelling (1.12 acres), a driveway access to a larger parcel (0.08 acres), a cemetery (0.68 acres), and a former tax forfeit parcel that was purchased by the watershed district for a future water quality project (0.99 acres). Which zoning district should all of these parcels be rezoned to?

There are two R3 categories; the '*R3 Subdivided*' row contains parcels that have been fairly recently subdivided. The majority of those parcels were created in the last 20 years. The majority of the vacant parcels are in subdivisions that were created in the last 5-10 years. The "Summer Field" and "Kennedy Estates" subdivisions are two recent developments that were rezoned and developed under the R4 district standards that would be rezoned to R3.

Comp Plan map error – Parcel 21.10293.00, 27900 Forest Boulevard. This property is the location for the recently constructed Hallberg RV Storage facility, which was rezoned to the Industrial district so that it could be constructed. The Comp Plan map shows it as being a Single Family Residential Neighborhood (R3).



NONCONFORMITIES

CITY OF WYOMING ZONING ORDINANCE

Sec. 40 - 23. Conformity with Provisions.

No structure shall be erected, converted, enlarged, reconstructed, altered, or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Sec. 40 - 40. Definitions.

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

- (115) **Nonconforming Structure, Use, or Parcel:** Any legal use, structure, or parcel of land already of existence, recorded, or authorized before the adoption of official controls or amendments that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

DIVISION 22 NONCONFORMITIES

Sec. 40 - 650. Purpose.

It is the purpose of this Division to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Division to provide for the gradual elimination of nonconformities.

Sec. 40 - 651. General Provisions.

- (1) Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereafter specified or, subsequently amended. *(Similar wording in Statute Subd. 1e (a))*
- (2) No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance. *(Not addressed in statute)*
- (3) When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use. *(Not addressed in statute)*
- (4) A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it will not thereafter be so altered to increase the nonconformity. *(Not addressed in statute.)*
- (5) If at any time a nonconforming building, structure or use shall be destroyed to the extent of fifty percent (50%) or more of its fair market value, said value to be determined by the County Assessor, then without further action by the City, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty percent (50%) of its value may be restored to its former size, but may not be enlarged. *(Statute Subd. 1e (a) (2) allows a nonconforming structure that has been fully destroyed to be rebuilt if a building permit is applied for within 180 days of its destruction.)*

- (6) Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one (1) year or following written notice from the Zoning Administrator, any future use of said structure or land shall be made to conform with the provisions of this Ordinance. *(Similar wording in Statute Subd. 1e (a))*

Sec. 40 - 652. Substandard Lots. *(Statute Subd. 1e (d)-(j) addresses shoreland areas, the city's shoreland ordinance includes the statute's provisions. The regulations contained in this Section apply to non-shoreland areas in the city and are not addressed by statute.)*

The minimum lot area requirements are set forth within the district provisions of the ordinance. Any lot not meeting the minimum requirements of the district it is located in, which was recorded after April 20, 1970, shall be considered a substandard lot.

A substandard lot may be allowed as a building site provided that all the following criteria are met:

- (1) The lot is a lot of record recorded at the Chisago County recorder's office, prior to April 20, 1970.
- (2) The lot is in separate ownership from abutting lands.
- (3) The lot width or area is within sixty percent (60%) of the minimum requirements set forth in this Ordinance.
- (4) The lot can be served by a standard on-site sewage system, or municipal sewer.
- (5) All required setbacks for a structure can be met.

Sec. 40 - 653. Substandard Lots of Record in Combination. *(Not addressed in statute except for shoreland areas.)*

If two or more lots or a combination of lots and portions of lots with continuous frontage of single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established by this Ordinance, for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division or any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Sec. 40 - 654. Substandard Lots: Accessory Structures. *(Not addressed in statute.)*

- (1) Substandard lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot area under roof requirement to be exceeded.
- (2) Additions to principal and/or accessory structures located on substandard lots may be permitted, provided that any such additions will meet the minimum setback standards for the zone in which it is located.

Sec. 40 - 655. Uses under Conditional Use Permits. *(Not addressed in statute.)*

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Sec. 40 - 656. Maintenance of Non-Conforming Structures.

Normal maintenance of a building or other lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use, providing the necessary repairs shall not constitute fifty percent (50%) or more of fair market value of such structure. Said value shall be determined by the County Assessor. *(Similar provisions in Statute Subd. 1e (a) except market value is not stated.)*

Sec. 40 - 657. Alterations of Non-Conforming Structures.

Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of traffic. *(Similar wording in Statute Subd. 1e (a))*

Sec. 40 - 658. Non-Conforming Structures in Progress at Time of Adoption.

Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans. *(Not addressed in statute.)*

MN STATUTES

§ 462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 1e. Nonconformities.

- (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - (1) the nonconformity or occupancy is discontinued for a period of more than one year; or
 - (2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- (b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.
- (c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- (d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

- (e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - (1) all structure and septic system setback distance requirements can be met;
 - (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - (3) the impervious surface coverage does not exceed 25 percent of the lot.
- (f) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - (3) impervious surface coverage must not exceed 25 percent of each lot; and
 - (4) development of the lot must be consistent with an adopted comprehensive plan.
- (g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- (h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section [115.55](#) and Minnesota Rules, chapter 7080, or connected to a public sewer.
- (i) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (j) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Zoning Ordinance Nonconformity Exceptions

DIVISION 3 AGRICULTURAL OPERATIONS

Sec. 40 - 430. Nonconforming Agricultural Operations.

Nonconforming agricultural operations located on parcels not presently zoned for agricultural uses, provided the parcel was zoned for agriculture prior to the adoption of this Ordinance, may be continued and/or expanded, but shall not provide for a change to a different use, other than those permitted in the applicable district. If a substantial change in the use or a significant expansion of the operation is proposed, the Planning Commission may require a Conditional Use Permit.

Existing Conditional Use Permits for a use that is not allowed in the new zoning district. The city attorney is reviewing whether these properties become non-conforming; remain conforming as long as the conditions of the CUP are still being met; and whether the use can expand.

In the A & R1 – R6 districts Single-Family Dwellings are a permitted use.

With the exception of the Central Business District, which has no setback requirements, all of the districts have a 135’ setback from county and state highways, and 150’ from the Highway 8 right-of-way.

Unless otherwise noted, all of the parcels to be rezoned are assumed to be conforming to the standards of their current zoning.

Agricultural District (A) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Rural Residential (R1 or R2) [97 parcels]	Conforming	Conforming	See tables below	Private
Single Family Residential(R3) [53 parcels]	Conforming	Conforming	See tables below	Public
1 & 2 Family Residential(R4) [7 parcels]	Conforming	Conforming	See tables below	Public
Medium & High Density Residential (R6) [6 parcels]	Conforming	Conforming	See tables below	Public
Commercial (C) [16 parcels]	SFD Nonconforming	Conforming	See tables below	Private & public
Industrial (I) [30 parcels]	SFD Nonconforming	Conforming	See tables below	Private & public
Mixed Use (MXD) [9 parcels]	Existing uses, vacant or SFD, conform. Lot size & setbacks are established with the CUP			Public

Rural Residential I (R1) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [336 parcels]	Conforming	Conforming	See tables below	Public
1 & 2 Family Residential(R4) [1 parcel]	Conforming	Conforming	See tables below	Public
Medium & High Density Residential (R6) [1 parcel]	Conforming	Conforming	See tables below	Public
Commercial (C) [8 parcels]	SFD Nonconforming	Conforming if public utility	See tables below	Private & public
Industrial (I) [5 parcels]	SFD Nonconforming	Conforming if public utility	See tables below	Private & public
Mixed Use (MXD) [4 parcels]	Existing uses, vacant or SFD, conform. Lot size & setbacks are established with the CUP			Public
Office & Health Care (OHC) [2 parcels]	Parcels are vacant			Public

Rural Residential II (R2) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [121 parcels]	Conforming	Conforming	See tables below	Public
1 & 2 Family Residential(R4) [8 parcels]	Conforming	Conforming	See tables below	Public
Medium & High Density Residential (R6) [59 parcels]	Conforming	Conforming	See tables below	Public
Commercial (C) [15 parcels]	SFD Nonconforming	Conforming if public utility	See tables below	Private & public
Industrial (I) [7 parcels]	SFD Nonconforming	Conforming if public utility	See tables below	Private & public
Mixed Use (MXD) [3 parcels]	Existing uses, vacant or SFD, conform. Lot size & setbacks are established with the CUP			Public

Single Family Residential (R3) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
1 & 2 Family Residential(R4) [16 parcels]		Conforming	Conforming	Public
Industrial (I) [1 parcel]	The one parcel is a part of the SRC facility. Rezoning to (I) will make the parcel conforming.	Conforming	Conforming	Public

One & Two Family Residential (R4) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [50 parcels]	Conforming	Conforming	Conforming	Public

Manufactured Home (R5) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [3 parcels]	Individual homes in the parks	Conforming per MN Statute 462.357, Subd 1a	Conforming per MN Statute 462.357, Subd 1a	Public

Medium & High Density Residential (R6) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [18 parcels]	Conforming	Determined by # of units	See tables below	Public
1 & 2 Family Residential(R4) [25 parcels]	Conforming	Determined by # of units	See tables below	Public
Central Business (CBD) [20 parcels]	SFD Nonconforming	Determined by # of units	See tables below	Public

Commercial (C) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Single Family Residential(R3) [1 parcel]	Nonconforming	Conforming	Conforming	Public
Central Business (CBD) [24 parcels]	Similar uses to (C)	Conforming	Conforming	Public
Commercial (C) [1 parcel]	Conforming	Conforming	Conforming	Public
Industrial (I) [4 parcels]	Conforming	Conforming if public utility	Conforming	Public
Mixed Use (MXD) [4 parcels]	Existing uses, vacant or SFD, conform. Lot size & setbacks are established with the CUP			Public

Central Business (CBD) is the current zoning district.

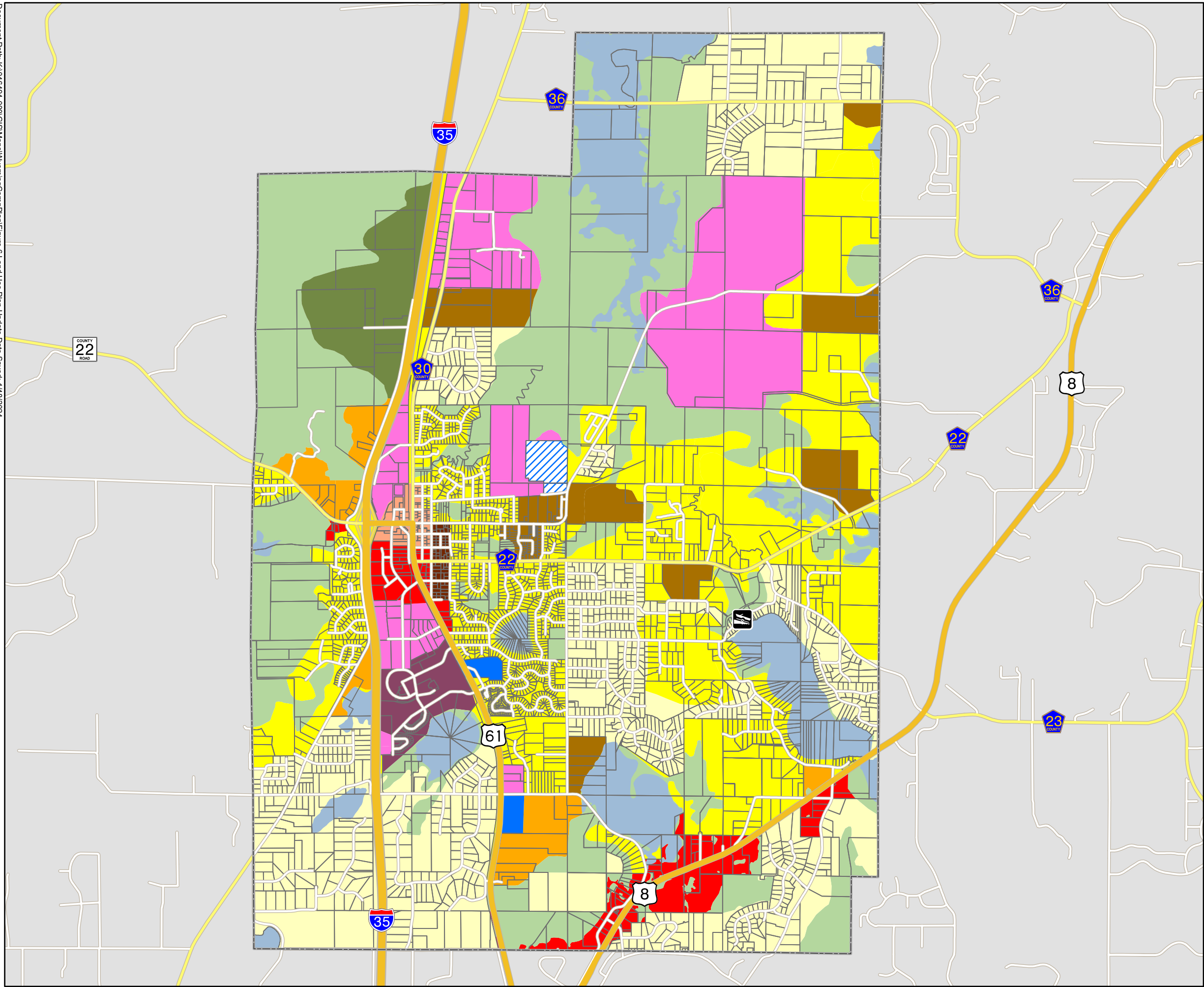
Rezone to:	Uses	Lot size	Setbacks	Utilities
Commercial (C) [3 parcels]	Vacant or conforming	Conforming	Conforming	Public

Industrial (I) is the current zoning district.

Rezone to:	Uses	Lot size	Setbacks	Utilities
Central Business (CBD) [5 parcels]		Conforming	Conforming	Public
Commercial (C) [21 parcels]		Conforming	See tables below	Private & public
Office & Health Care (OHC) [7 parcels]		Conforming	See tables below	Public

Commercial Districts Minimum Setbacks							
	Municipal Sewer & Water					Well & Septic	
	MXD	C	OHC	CBD	I	C	I
Principal Structure							
Front Street Setback							
Local Street	40 – 275 - 277	20	40	0	25	40	40
Collector Street	40 – 275 - 277	20	40	0	35	40	40
Arterial Street	40 – 275 - 277	35	40	0	35	135' from CL:	135' from CL
Yard Setback							
Interior Side Yard Setback (feet)	40 – 275 - 277	0 / 20 ¹	15	0/5 ¹	15 / 30 ¹	10 / 20 ¹	20 / 40 ¹
Rear Yard Setback (feet)	40 – 275 - 277	20	20	0/5 ¹	15	20 / 40 ¹	35 / 70 ¹
Side Street Setbacks (corner lots)							
Local Street	40 – 275 - 277	20	40	0	20	40	40
Collector Street	40 – 275 - 277	20	40	0	20	40	40
Arterial Street	40 – 275 - 277	25	40	0	25	135 - CL	135 - CL
Parking Area Setback							
Front	40 – 275 - 277	10	15	0	10	10	10
Side	40 – 275 - 277	10 / 20 ¹	15	0	15/20 ¹	10 / 20 ¹	15
Rear	40 – 275 - 277	10 / 20 ¹	15	0	15/20 ¹	10 / 20 ¹	15
Building Height & Stories							
Max Building Height (stories)	40 – 275 - 277	4	4	4	4	4	4
Max Building Height (feet)	40 – 275 - 277	45	45	45	45	45	45
Accessory Structures							
Front Street Setback (feet)	40 – 275 - 277	Same distance as Principal Structure					
Side Street Setbacks (corner lots, feet)	40 – 275 - 277	Same distance as Principal Structure					
Interior Side Yard Setback (feet)	40 – 275 - 277	3 / 6 ¹	3 / 6 ¹	0 / 5 ¹	3 / 6 ¹	3 / 6 ¹	3 / 6 ¹
Rear Yard Setback (feet)	40 – 275 - 277	3 / 6 ¹	3 / 6 ¹	0 / 5 ¹	3 / 6 ¹	3 / 6 ¹	3 / 6 ¹
Maximum Building Height in Stories	40 – 275 - 277	1	1	1	1	1	1
Maximum Building Height in Feet	40 – 275 - 277	25	25	25	25	25	25
¹ – When adjacent to a Residential District.							
CL = Centerline of the right-of-way							
<i>Arterial Streets: All State and County Highways, East Viking Boulevard (Anoka County to Glen Oak Drive)</i>							
<i>Collector Streets: Goodview Avenue, Pioneer Road, West Comfort Drive, Innsbrook Avenue, Heath Avenue, East Viking Blvd. (East of Glen Oak Drive), and 250th Street / Greenway Avenue (Washington County to Highway 61 / Forest Boulevard)</i>							

Residential Districts Minimum Setbacks						
	A	R-1	R-2	R-3	R-4	R-6
Principal Structure						
Front Street Setback						
Local Street	40	40	40	30	25	25
Collector Street	40	40	40	40	30	30
Arterial Street	135 from CL	135 from CL	135 from CL	40	40	40
Yard Setback						
Interior Side Yard Setback	40	10	10	10	10	½ height of building
Rear Yard Setback	50	35	35	35	35	35
Side Street Setbacks (corner lots)						
Local Street	40	40	40	20	20	15
Collector Street (Does not include county roads)	40	40	40	30	25	20
Arterial Street	135' from CL	135' from CL	135' from CL	30	3	30'
Building Height & Stories						
Maximum Building Height in Stories	3	3	3	3	3	3
Maximum Building Height in Feet	35	35	35	35	35	45
Accessory Structures						
Front Street Setback	Same distance as Principal Structure					
Side Street Setbacks (corner lots)	Same distance as Principal Structure					
Interior Side Yard Setback	40' farm buildings 3' non-farm buildings	3	3	3	3	3
Rear Yard Setback	50' farm buildings 3' non-farm buildings	3	3	3'	3'	3'
Maximum Building Height in Stories	N/A farm buildings 3 non-farm buildings	1	1	1	1	1
Maximum Building Height in Feet	N/A farm buildings 35' non-farm buildings	25	25	18	18	18
Parking, Driveway Setback	5	5	5	5	5	15
CL = Centerline of the right-of-way						
<i>Arterial Streets: All State and County Highways, East Viking Boulevard (Anoka County to Glen Oak Drive), Kettle River Boulevard (formerly Co. Rd. 62, from East Viking Blvd. to Anoka County)</i>						
<i>Collector Streets: Goodview Avenue, Pioneer Road, West Comfort Drive, Innsbrook Avenue, Heath Avenue, East Viking Blvd. (East of Glen Oak Drive), and 250th Street / Greenway Avenue (Washington County to Highway 61 / Forest Boulevard)</i>						



Wyoming Comprehensive Plan

Figure 6 Updated Land Use Plan

- State Property and Boat Landing
- Wyoming Boundary
- Parcel Boundaries
- Waterbody
- Land Use**
 - Semi-Rural Neighborhood
 - Single Family Residential Neighborhood
 - Multi-Family Suburban Neighborhood
 - High Density Residential Neighborhood
 - Commercial
 - Downtown Core
 - Mixed Use
 - Office and Health Care Business
 - Industrial and General Business
 - Public and Semi Public
 - Conservation and Open Space
 - Agriculture
 - Closed Landfill

