

ORDINANCE NO. 58, EIGHTH SERIES

AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA, RELATING TO CANNABIS, AMENDING CHAPTER 154.002 DEFINITIONS, CHAPTER 154.021, INTERIM USE PERMITS, CHAPTER 154.038, B-3, GENERAL BUSINESS DISTRICT, 154.040, B-6, SHOPPING CENTER BUSINESS DISTRICT, AND CHAPTER 154.041, I-1, PLANNED INDUSTRIAL DISTRICT OF THE CITY CODE.

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 154.002, Definitions, Cannabis Business is hereby added to read as follows:

CANNABIS BUSINESS. “Cannabis Business” means any of the cannabis businesses licensed by the State of Minnesota pursuant to MSA Chapter 342.

Section 2. City Code Chapter 154.021, Interim Use Permits, is amended at paragraph (C) so as to read:

(C) *No Interim Use Permits.* No interim use permits shall be issued in any:

- (1) Residential District Zones R-1 through R-5.
- (2) Residential District Zone R-A, except for bituminous or concrete mixing facilities, or
- (3) Business Districts Zones B-1 or B-2.

Section 3. City Code Chapter 154.038, B-3, General Business District, is hereby amended by adding the following subparagraph:

(G) *Uses by Interim Use Permit.* Within a B-3, General Business District, no building or land shall be used for one or more of the following uses, except by an interim use permit.

- (1) Cannabis Retailer;
 - (a) A cannabis retailer shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an

attraction within a public park that is regularly used by minors including a playground or athletic field.

(2) Warehousing/commercial indoor storage.

Section 4. City Code Chapter 154.040, B-6, Shopping Center Business District, at section (B)(2) hereby amended by adding the following use:

(d) Cannabis Retailer;

(a) A cannabis retailer shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

Section 5. City Code Chapter 154.040, B-5 and B-6, Shopping Center Business District, at Section (C) is hereby amended by adding the following conditional uses:

(11) Cannabis Microbusiness;

(a) A cannabis microbusiness shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis microbusiness can operate in a B-6 zone for food processing and packaging purposes if no industrial processing or processing of raw materials is allowed.

(12) Cannabis Mezzobusiness;

(a) A cannabis mezzobusiness shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis mezzobusiness can operate in a B-6 zone for food processing and packaging purposes if no industrial processing or processing of raw materials is allowed.

(13) Cannabis Cultivator;

(a) A cannabis cultivator shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) If in a zone other than an agricultural zone, a cannabis cultivator can only grow indoors of up to 30,000 square feet and is not permitted to grow outdoors.

(c) A cannabis cultivator can operate in a B-6 zone for growing, cultivating and packaging purposes if no industrial processing or processing of raw materials is allowed.

Section 6. City Code Chapter 154.041, I-1, Planned Industrial District, is amended at subparagraph (C) by adding the following conditional uses:

(11) Cannabis Retailer;

(a) A cannabis retailer shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(12) Cannabis Microbusiness;

(a) A cannabis microbusiness shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis microbusiness can operate in a I1 through I3 zone for food processing and packaging purposes, industrial processing, processing of raw materials, and retail sales with proper state licensing.

(13) Cannabis Mezzobusiness;

(a) A cannabis mezzobusiness shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis mezzobusiness can operate in a I-1 zone for food processing and packaging purposes, industrial processing or processing of raw materials.

(14) Cannabis Cultivator;

(a) A cannabis cultivator shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) If in a zone other than an agricultural zone, a cannabis cultivator can only grow indoor of up to 30,000 square feet and not permitted to grow outdoors.

(c) A cannabis cultivator can operate in a I-1 zone for growing, cultivating, processing and packaging and processing of raw materials.

(15) Cannabis Manufacturer;

(a) A cannabis manufacturer shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis manufacturer can operate in a I-1 zone for food processing and packaging purposes, manufacturing, industrial processing or processing of raw materials.

(16) Cannabis Wholesaler;

(a) A cannabis wholesaler shall not be located within 250 feet from any public or private school, daycare, residential treatment facility, any other cannabis business, or an attraction within a public park that is regularly used by minors including a playground or athletic field.

(b) A cannabis wholesaler can operate in a I-1 zone for food processing and packaging purposes, manufacturing, industrial processing or processing of raw materials.

Section 6. City Code Chapter 154.041, I-1, Planned Industrial District, is amended at subparagraph (C) by adding the following subparagraph:

(I) *Uses by Interim Use Permit.* Within an I-1, Planned Industrial District no building or land shall be used for one or more of the following uses, except by an interim use permit:

(1) Bituminous or concrete mixing facility.

(2) Wood burning Stoves

Section 8. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2024.

Section 7. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

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THIS ORDINANCE was introduced on the _____ day of _____, 2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2024, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on_____.

barb/acityoffergusfalls/ords/8thseries/Ord58