

PROPOSED ORDINANCE NO. 47, FOURTH SERIES

AN ORDINANCE AMENDING CITY CODE CHAPTER 153. ZONING, AND ADDING SECTIONS, 153.200 and 153.210 TO REGULATE CANNABIS BUSINESSES

THE CITY OF LUVERNE DOES HEREBY ORDAIN:

Section 1. Nothing established under the provisions of this subchapter shall supersede the prescribed uses established in §153.055 through §153.062 of this chapter as the same now exists, or as amended from time to time.

Section 2. That **Section 153.008 “DEFINITIONS”** is hereby amended as follows (new material is underlined; deleted material is lined out):

CANNABIS BUSINESS. Any of the following businesses licensed by the Office of Cannabis Management pursuant to M.S. Ch. 342:

- (1) cannabis microbusiness;
- (2) cannabis mezzobusiness;
- (3) cannabis cultivator;
- (4) cannabis manufacturer;
- (5) cannabis retailer;
- (6) cannabis wholesaler;
- (7) cannabis transporter;
- (8) cannabis testing facility;
- (9) cannabis event organizer;
- (10) cannabis delivery service; and
- (11) medical cannabis combination business.

CANNABIS CULTIVATION. A cannabis business with a cannabis cultivator license or cultivation endorsement from the Office of Cannabis Management. This includes cannabis mezzobusinesses and microbusinesses with a cultivation endorsement from the Office of Cannabis Management.

CANNABIS DELIVERY. A cannabis business with a cannabis delivery service license or delivery service endorsement from the Office of Cannabis Management.

CANNABIS MANUFACTURER. A cannabis business with a cannabis manufacturer license or manufacturing endorsement from the Office of Cannabis Management. This includes cannabis mezzobusinesses and microbusinesses with a manufacturing endorsement from the Office of Cannabis Management.

CANNABIS RETAIL BUSINESS. A cannabis retailer location and the retail location(s) of a mezzobusiness with a retail operations endorsement, a microbusiness with a retail operations endorsement, medical combination businesses operating a retail location, or lower-potency hemp edible retailer, all as defined M.S. Ch. 342.

CANNABIS RETAILER. A cannabis business licensed by the Office of Cannabis Management to sell cannabis product to a consumer and not for the purpose of resale in any form.

CANNABIS TESTING FACILITY. A cannabis business with a cannabis testing facility license or testing endorsement from the Office of Cannabis Management.

CANNABIS TRANSPORTION. A cannabis business with a cannabis transporter license or transportation endorsement from the Office of Cannabis Management.

CANNABIS WHOLESALER. A cannabis business with a cannabis wholesaler license or wholesaling endorsement from the Office of Cannabis Management.

HEMP MANUFACTURER. A hemp business licensed by the Office of Cannabis Management to manufacture artificially derived cannabinoids as well as lower-potency hemp edibles for public consumption and package such lower-potency hemp edibles for sale to consumer.

LOWER-POTENCY HEMP EDIBLE RETAILER. A person or entity licensed or authorized to acquire, possess, transfer, sell, dispense, or distribute lower-potency hemp edible products and related supplies and products as a hemp business pursuant to M.S. Ch. 342.

MEDICAL CANNABIS COMBINATION BUSINESS. A cannabis business with a medical cannabis combination business license from the Office of Cannabis Management.

OFFICE OF CANNABIS MANAGEMENT. The State of Minnesota Office of Cannabis Management.

Section 3. That **Section 153.200 “CANNABIS BUSINESS MINIMUM BUFFER REQUIREMENTS”** is hereby adopted as follows:

153.200 Cannabis Business Minimum Buffer Requirements

- (A) The City shall prohibit the operation of a cannabis business within 1,000 feet of a school.
- (B) The City shall prohibit the operation of a retail cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field excluding Rotary Park.
- (C) Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 153.200 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school moves within the minimum buffer zone.

Section 4. That **Section 153.210 “ZONING AND LAND USE FOR CANNABIS BUSINESSES”** is hereby adopted as follows:

153.210 Zoning and Land Use for Cannabis Businesses

- (A) Cultivation.
 - (1) Cannabis businesses licensed or endorsed for cultivation are permitted as a Conditional Use in the following zoning districts:
 - I-1 or I-2, cultivation to occur indoors
- (B) Cannabis Manufacturer.
 - (1) Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditional Use in the following zoning districts:
 - D, I-1 or I-2, with all processing, handling, and storage indoors.
- (C) Hemp Manufacturer.
 - (1) Businesses licensed or endorsed for lower-potency hemp edible manufacturers permitted in the following zoning districts:
 - D, I-1, I-2, with all processing, handling, and storage indoors
- (D) Wholesale.
 - (1) Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditional Use in the following zoning districts:

- D, I-1, I-2, H-C or C-C, with all storage indoors

(E) Cannabis Retail Business.

(1) Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning districts:

- I-1*, I-2*, H-C, C-C or D

* Only when the principal use of the property is cannabis cultivation and/or manufacturing in accordance with a licensed cannabis Micro or Mezzo Business; retail may not exist as a principal use.

(F) Cannabis Transportation.

(1) Cannabis businesses licensed or endorsed for transportation are permitted as a Conditional Use in the following zoning districts:

- D, I-1, I-2, H-C or C-C

(G) Cannabis Delivery.

(1) Cannabis businesses licensed or endorsed for delivery are permitted as a Conditional Use in the following zoning districts:

- D, I-1, I-2, H-C or C-C

(H) Cannabis Testing Facility.

(1) Cannabis businesses licensed or endorsed as cannabis testing facilities are permitted as a Conditional Use in the following zoning districts:

- D, I-1 or I-2

Section 5. This ordinance takes full force and effect seven (7) days after its publication.

Patrick T. Baustian, Mayor

ATTEST: _____
Jill Wolf, City Administrator

Planning Commission Public Hearing: April 7, 2025

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