

## ORDINANCE NO. 1619

CITY OF BURNSVILLE, MINNESOTA

### AN ORDINANCE REVISING TITLE 10: ZONING, CHAPTER 7: GENERAL PROVISIONS RELATED TO THE REGULATION OF THE ZONING FOR ADULT-USE CANNABIS BUSINESSES

THE CITY COUNCIL OF THE CITY OF BURNSVILLE ORDAINS AS FOLLOWS:

**SECTION 1:** “10-7-53: Medical Marijuana Distribution Facilities” of the Burnsville Municipal Code is hereby *amended* as follows:

#### **10-7-53 : ~~Medical Marijuana Distribution Facilities~~ Adult Use Cannabis**

- ~~A. Purpose: To provide patients registered with the Minnesota department of health’s medical cannabis program access to medical marijuana, while reducing the potential negative impacts of medical marijuana distribution facilities on the public health, safety, and general welfare of the community.~~
- ~~B. Performance Standards:~~
- ~~1. Prohibited Activities:~~
    - ~~a. Distribution facilities must not distribute any other product or substance except for medical marijuana.~~
    - ~~b. No cultivation, harvesting, manufacturing, packaging, processing, or sampling of medical marijuana or any other substance may occur on the distribution facility site.~~
    - ~~c. The sale and distribution of non-medical marijuana is prohibited.~~

#### **10-7-53-1 : Purpose And Authority**

- A. Purpose: To implement the provisions of Minnesota Statutes, Chapters 342 and 412, which authorizes the city to protect the public health, safety, welfare of residents by regulating cannabis businesses within the city.
- B. Authority: The city has the authority to adopt this section pursuant to:
1. Minnesota Statute, Section 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. Minnesota Statute Section 412.221 subd. 32 and 462.357, regarding the authority of a local authority to adopt zoning ordinances regarding general welfare.

#### **10-7-53-2 : Definitions**

The definitions in Minnesota Statutes, Section 342.01 are hereby adopted and made part of this Chapter, in addition to:

CANNABIS CULTIVATION BUSINESS: A business licensed to grow cannabis plants within a principal building 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

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cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office, pursuant to Minnesota Statutes, Chapter 342. Outdoor commercial cultivation of cannabis is prohibited.

CANNABIS MEZZOBUSINESS: A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis mezzobusiness license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS MICROBUSINESS: A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis microbusiness license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS MANUFACTURER: A business with a cannabis manufacture license that manufactures cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer, pursuant to Minnesota Statutes, Chapter 342.

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 pursuant to Minnesota Statutes, Chapter 342.

CANNABIS TESTING FACILITY: An establishment engaged in obtaining and testing cannabis and hemp, or products derived therefrom, that has a valid, approved license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS WHOLESALER: An entity licensed or authorized to obtain, store, and sell or otherwise transfer cannabis or hemp seeds, plants, flower, or other products for the purpose of resale or other transfer to a cannabis business, but not to consumers, pursuant to Minnesota Statutes, Chapter 342.

LOWER-POTENCY HEMP EDIBLE MANUFACTURE: A business that manufacturers and packages lower-potency hemp edibles for consumer sale, and/or sells hemp concentrate and lower-potency hemp edibles to other cannabis businesses and hemp businesses, pursuant to Minnesota Statutes, Chapter 342.

LOWER-POTENCY HEMP EDIBLE RETAILER: A business that sells lower-potency hemp edibles to customers, pursuant to Minnesota Statutes, Chapter 342.

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 CULTIVATOR: A business that cultivates cannabis and packages cannabis for sale to another medical cannabis business to sell as medical cannabis flower or process into medical cannabinoid products.

MEDICAL CANNABIS PROCESSOR: Purchase, make, manufacture, package, and label medical cannabis.

MEDICAL CANNABIS RETAILER: Purchase and sell medical cannabis to authorized persons.

STATE LICENSE: An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis business.

**10-7-53-3 : License And Registration Required**

- A. Minnesota State License Required: It is unlawful for any person or legal entity to operate or permit the operation of a cannabis business or hemp business without first obtaining a license from the Office of Cannabis Management for a cannabis business or hemp business.
- B. City Registration Required: Cannabis and hemp retail businesses shall register with the City as required in Title 3 of this Code.

**10-7-53-4 : Ventilation Required**

Cannabis facilities shall be equipped with ventilation and filtration systems that prevent cannabis odor from escaping the premises.

**10-7-53-5 : Zoning**

Cannabis businesses licensed or endorsed are permitted in the following districts:

<b>Zoning District</b>	<b>Commercial</b>						<b>Industrial</b>				
	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>MIX</u>	<u>TOD</u>	<u>CRD</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>GIM</u>	<u>GIH</u>
<u>Cannabis Retailer</u>	P	P	P	P	P	P					<u>CUP</u>
<u>Cannabis Microbusiness</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>Cannabis Mezzobusiness</u>							<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>Cannabis Cultivator (Indoor only)</u>							<u>CUP</u>	<u>CUP</u>			
<u>Cannabis Manufacturer</u>					<u>CUP</u>		P	P	P	P	P
<u>Cannabis Wholesaler</u>		P	P				P	P	P	P	P
<u>Cannabis Testing Facility</u>							P	P	P	P	P
<u>Medical Cannabis Cultivator (Indoor only)</u>							<u>CUP</u>	<u>CUP</u>			
<u>Medical Cannabis Processor</u>							P	P	P	P	P
<u>Medical Cannabis Retailer</u>	P	P	P	P	P	P					
<u>Medical Cannabis Combination Business</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>Lower-potency Hemp Edible Manufacturer</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Lower-potency Hemp Edible Retailer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>CUP</u>

Notes: P means Permitted Use; CUP means Conditional Use Permit.

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**SECTION 2:** This ordinance shall be effective immediately upon its passage and publication.

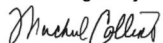
PASSED AND ADOPTED by the City Council of the City of Burnsville this 17<sup>th</sup> day of December, 2024.

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Elizabeth B. Kautz, Mayor

ATTEST:

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Macheal Collins, City Clerk