

CITY OF HASTINGS, MINNESOTA
ORDINANCE NO. 2024- 15

An Ordinance of the City of Hastings Amending City Code Chapter 155: Zoning Code Regarding Cannabis Uses and Lower-Potency Hemp Edible Uses

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:

SECTION 1. HASTINGS CITY CODE SECTION 155.07.J. IS REPEALED AND REPLACED AS FOLLOWS:

155.07 Special Provisions

J. *Cannabis Uses and Lower-Potency Hemp Edible Uses.*

All cannabis and lower-potency hemp edible uses must comply with the requirements of this section.

1. *Definitions.* Unless otherwise noted in this section, words, terms, and phrases found in the definitions of Minnesota Statutes Section 342.01, or as amended, apply unless otherwise noted or except where the context clearly indicates a different meaning. In addition, the following definitions apply:

CANNABIS BUSINESS. Any of the following businesses:

- a. Cannabis microbusiness;
- b. Cannabis mezzobusiness;
- c. Cannabis cultivator;
- d. Cannabis manufacturer;
- e. Cannabis retailer;
- f. Cannabis wholesaler;
- g. Cannabis transporter;
- h. Cannabis testing facility;
- i. Cannabis event organizer;
- j. Cannabis delivery service;
- k. Lower-potency hemp edible manufacturing;
- l. Lower-potency hemp edible retailer; or
- m. Medical cannabis combination business.

CANNABIS USE OR CANNABIS INDUSTRY. Every item, product, person, process, action, business, or other thing related to cannabis flower and cannabis products.

OFFICE OF CANNABIS MANAGEMENT or OCM. The Minnesota Office of Cannabis Management.

RESIDENTIAL TREATMENT FACILITY. A 24-hour-a-day program under the treatment supervision of a mental health professional, in a community residential setting other than

an acute care hospital or regional treatment program for adults with mental illness under chapter 245I, Minnesota Rules, parts 9520.0500 to 9520.0670, or other rules adopted by the commissioner.

SCHOOL. A public school as defined in Minnesota Statutes Section 120A.05 or nonpublic school that meets the reporting requirements under Minnesota Statutes Section 120A.24.

STATE LICENSE. An approved license issued by the Minnesota Office of Cannabis Management to a cannabis and lower-potency hemp edible business.

2. *Outdoor Cultivation.* Any cannabis business that includes outdoor cultivation, such as cannabis cultivator, microbusiness, or mezzobusiness must comply with the following:
 - a. A minimum of twenty (20) contiguous acres is required for the portion of the property that will be dedicated to cultivation.
 - b. The cannabis plants must be setback a minimum of three hundred feet (300') from the property lines.
 - c. There must be fencing of six feet (6') around the perimeter and a landscaped or screened buffer is required to be placed outside of the fence but within the setback area, which may consist of a berm, trees, or combination thereof.
 - d. The cannabis plants cannot be visible from any public right of way.
 - e. No retail sales shall be allowed at the same location as any business with an outdoor cultivation business license.
3. *Indoor Cultivation (greenhouses, hoop houses).* Any cannabis business that includes indoor cultivation enclosed in structures, such as, but not limited to greenhouses or hoop houses. Requirements surrounding the lighting and illumination within the structures, including hours shall be included of the conditional use permit.
4. *Manufacturing, production, testing or processing of cannabis or wholesale (if products stored on site).* Must comply with the following performance standards:
 - a. No exterior storage is allowed, including storage of products in semis or trailers that are parked outside of an enclosed building.
 - b. All mechanical, odor suppression equipment and trash enclosures must be screened and approved as part of a site plan approval.
5. *Performance Standards.* All cannabis businesses must comply with the following:
 - a. Retail sales of cannabis and lower-potency hemp edible products are permitted from 10:00 a.m. to 9:00 p.m., seven days a week. Retail sales of lower-potency beverages associated with an on-sale or off-sale liquor license are permitted during the hours of operation of the associated liquor license.
 - b. No cannabis use shall be allowed as part of any Adult Use Establishment business, as defined in City Code Section 114.21.
 - c. Cannabis uses cannot violate City Code Chapter 95 regarding public nuisances.

- d. *Distance Restrictions.* Distances from a cannabis use or lower-potency hemp edible use are measured from the storefront of a retail use and from the property line of all other cannabis uses, and shall comply as provided below.
- (1) There must be at least one thousand feet (1,000') between each cannabis use.
 - (2) The location of the use must be located:
 - (a) More than five hundred feet (500') from a school as measured from property line of the school to the use;
 - (b) More than five hundred feet (500') from a residential treatment facility, as measured from the property line of the facility to the use;
 - (c) More than five hundred feet (500') from an attraction within a public park that is regularly used by minors, such as, but not limited to a playground, athletic field, athletic court, picnic area or restrooms, pavilion or park building, disc golf features, as each is measured from the location of the public park attraction to the use. However, such distance restriction shall not extend across Highway 61 or Highway 55 but shall terminate if it intersects with such highways.
 - (d) All buildings used for manufacturing, production, testing, processing, or warehousing of cannabis must be setback a minimum of five hundred feet (500') from a residential zoning district or residential use as measured from the property line of the cannabis use to the property line of the nearest residential zoning district or residential use.
 - (3) Exceptions to distance restrictions:
 - (a) Lower-potency hemp edible retail uses shall be five hundred feet (500') from other lower-potency hemp edible retail uses and five hundred feet (500') from all other cannabis uses but otherwise shall be exempt from the distance requirements in City Code 155.07.J.5.e.(2).
 - (b) On-sale and off-sale liquor establishments selling lower-potency beverages and that have a lower-potency hemp edible City Registration and State License shall be exempt from the distance requirements in City Code 155.07.J.5.e.(1) and 155.07.J.5.e.(2) and they do not count against other uses for purposes of City Code 155.07.J.5.e.(1).
 - (c) Cannabis retail uses located east of Vermillion Street and north of 4th Street and west of Bailey Street in the DC Downtown Core or C-3 Community Regional Commerce zoning districts shall be exempt from the distance requirements of City Code 155.07.J.5.e.(2)(c).
 - (d) Cannabis cultivation uses shall comply with the distance requirements in City Code 155.07.J.5.e.(1) but shall be exempt from the distance requirements in City Code 155.07.J.5.e.(2).
- e. Signs must comply with the standards in City Code 155.08 for the relevant zoning district in which the business is located, except for the following:

- (1) No cannabis use shall have more than two (2) signs;
 - (2) Blinking, moving, and flashing signs that are visible from the exterior of the building are prohibited;
 - (3) No lower-potency hemp edible use shall advertise the lower-potency hemp edible products on more than one (1) exterior sign;
 - (4) No interior sign shall be visible from the exterior of the building.
- f. Cannabis uses must meet the minimum parking requirements for each type of use as stated in City Code for that use, for example, retail must meet the retail requirements, manufacturing must meet the manufacturing parking requirements. If there is a combination of uses at the same location, the use that requires the largest number of spaces must be met.
 - g. A security plan must be submitted to and approved by the Chief of Police to address security issues in order to protect the public health, safety, and general welfare. The security plan must include, but is not limited to, addressing issues surrounding parking, traffic, securing of monetary transactions, building security and alarm systems both internal and external, screening, lighting, window and door placement, landscaping, and hours of operation.

SECTION 2. HASTINGS CITY CODE SECTION 155.21 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

155.21 A Agriculture

D. Uses By Special Permit.

- 5. Cannabis, medical cannabis, and hemp growing, cultivating or farming operations, indoor or outdoor, pursuant to the following conditions:
 - a. A minimum of one hundred (100) twenty (20) contiguous acres under single ownership is required for the operation use.
 - b. The operator must be licensed by the State of Minnesota.
 - c. The sale of products is not permitted on the same property as the operation use.

SECTION 3. HASTINGS CITY CODE IS AMENDED by adding Cannabis, Lower-potency edible beverages sold as part of an on-sale or off-sale liquor license as Permitted Uses to Sections 155.29.B., 155.30.B., 155.31.B., and 155.34.B, subject to the provisions of Section 155.07.J.

SECTION 4. HASTINGS CITY CODE SECTION 155.30 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

155.30C3 Community Regional Commerce

C. Uses by Special Permit.

- 10. Cannabis retailer, edible retailer, medical retailer, and edible cannabis distribution facility that comply with the requirements in City Code Section 155.07.J. Lower-potency edible

retail use not associated with on-sale or off-sale liquor license and that complies with the requirements in City Code Section 155.07.J.

11. Cannabis retail, not associated with any other cannabis use on the same property and that complies with the requirements of City Code Section 155.07.J.

12. Lower-potency hemp edible manufacturing if part of a brewpub or microdistillery and that complies with the requirements of City Code Section 155.07.J.

SECTION 5. HASTINGS CITY CODE SECTION 155.31 IS AMENDED AS FOLLOWS (new language is underlined, ~~striketrough~~ language is deleted):

155.31 DC Downtown Core

C. *Uses by Special Permit.*

9. Lower-potency edible retail uses not associated with on-sale or off-sale liquor license that comply with the requirements in City Code Section 155.07.J.

10. Cannabis retail, not associated with any other cannabis use on the same property and that complies with the requirements of City Code Section 155.07.J;

11. Lower-potency hemp edible manufacturing if part of a brewpub or microdistillery and that complies with the requirements of City Code Section 155.07.J.

SECTION 6. HASTINGS CITY CODE SECTION 155.32 IS AMENDED AS FOLLOWS (new language is underlined, ~~striketrough~~ language is deleted):

155.32 C-4 Regional Shopping Center

C. *Uses By Special Permit.*

~~6. Cannabis retailer, edible retailer, medical retailer, and medical cannabis distribution facility that comply with the requirements of City Code Section 155.07.J.;~~

SECTION 7. HASTINGS CITY CODE SECTION 155.34 IS AMENDED AS FOLLOWS (new language is underlined, ~~striketrough~~ language is deleted):

155.34 I-1 Industrial Park

C. *Uses By Special Permit.*

4. ~~Cannabis, medical cannabis or hemp manufacturer, testing facility, wholesaler and processor. Manufacturing, production, testing, processing, or warehousing~~ of cannabis or lower-potency hemp edibles and that complies with the requirements of City Code Section 155.07.J;

5. Cannabis wholesale without on site storage of cannabis products and that complies with the requirements of City Code Section 155.07.J;

- 6. Cannabis, indoor or outdoor cultivation use and that complies with the requirements of City Code Section 155.07.J;
- 4.7. Lower-potency hemp edible manufacturing if part of a brewpub or microdistillery and that complies with the requirements of City Code Section 155.07.J.

SECTION 8. HASTINGS CITY CODE SECTION 155.35 IS AMENDED AS FOLLOWS (new language is underlined, ~~striketrough~~ language is deleted):

155.35 I-2 Industrial Park Storage/Service

D. *Uses By Special Permit.*

- 6. Manufacturing, production, testing, processing, or warehousing of cannabis and that complies with the requirements of City Code Section 155.07.J;
- 7. Cannabis wholesale without onsite storage of cannabis products and that complies with the requirements of City Code Section 155.07.J;
- 8. Cannabis, indoor or outdoor cultivation and that complies with the requirements of City Code Section 155.07.J.

SECTION 9. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 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.

The text amendment adopted by the Hastings City Council on December 2, 2024 enacts cannabis and lower-potency hemp edible use performance standards in the Zoning Code; and amends uses with special permits to include cannabis and lower-potency hemp edible uses in accordance with Minnesota State Statutes Sections 342 and 151.72.

This Ordinance shall be effective upon seven (7) days after its passage and publication.

Adopted by the Hastings City Council on this 2nd day of December, 2024 by the following vote:

CITY OF HASTINGS

Mary D Fashender
Mary Fashender, Mayor

ATTEST:

Kelly Murtaugh
Kelly Murtaugh
City Clerk