

ORDINANCE NO. 588

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LA CRESCENT REGARDING THE ZONING OF CANNABIS BUSINESSES

The City Council of La Crescent ordains:

SECTION 1. That the following provisions of the Zoning Ordinance of the City of La Crescent are hereby amended as follows:

12.21 CBD – CENTRAL BUSINESS MIXED USE DISTRICT (CBD-1 and CBD-2)

Is hereby amended to include the following provisions with subparts relabeled accordingly.

Subd. 2. PERMITTED USES. Within the CBD district, no structure or land may be used, except for one or more of the following uses:

- A. Bakery.
- B. Cannabis businesses licensed or endorsed for cannabis retail.
- C. Copy shop.
- D. Financial services, without drive-through.
- E. Hotels, motels, inns and bed and breakfast establishments serving transient guests.
- F. Multi-family attached residential dwellings, with a minimum density of 8 units per acre, which may include units combining living and working space within the unit, if all units on the same floor of a building are such.
- G. Office, including medical and dental.
- H. Public buildings.
- I. Public infrastructure.
- J. Restaurants, without drive-through.
- K. Retail goods and services within a fully enclosed building.
- L. Places of assembly

Subd. 3. CONDITIONAL USES. Within the CBD district, no structure or land may be used for one or more of the following except by Conditional Use permit:

- A. Taverns.
- B. Childcare.

- C. Dry cleaning drop-off, incidental pressing and repair without on-site cleaning.
- D. Financial services, with drive through.
- E. Health clubs and fitness centers.
- F. Laundromats.
- G. Mortuary or funeral home.
- H. Multi-family attached residential dwellings, with a minimum density of 8 units per acres, if purely residential units and units combining living and working space within the units are mixed on the same floor of a building.
- I. Museum.
- J. Manufactured Home Park.
- K. Theater with a maximum of one screen or stage.
- L. Age Restricted, Senior Living Facility including Assisted Living.

12.22 C-1 HIGHWAY COMMERCIAL DISTRICT

Is hereby amended to include the following provisions with subparts relabeled accordingly.

Subd. 2. PERMITTED USES. Within any C-1 Highway Commercial District, no structure or land shall be used except for one or more of the following uses:

- A. Bakery
- B. Bowling Alley with no more than eight (8) lanes
- C. Cannabis businesses licensed or endorsed for cannabis retail
- D. Copy Shop
- E. Financial Services, without drive through
- F. Health clubs and fitness centers
- G. Hotels, Motels, Inn
- H. Office, including Medical and Dental
- I. Public Buildings
- J. Public Infrastructure
- K. Restaurants, without drive through

- L. Retail goods and services within a fully enclosed building
- M. Temporary/seasonal outdoor sales use, subject to the provisions of this title.

Subd. 4. **CONDITIONAL USES.** Within a C-1 district, no structure or land shall be used for the following uses except by a conditional use permit:

- A. Animal hospital
- B. Auto filling station, car wash or oil change, and auto repair and maintenance.
- C. Auto sales and rental.
- D. Cannabis businesses licensed or endorsed delivery.
- E. Childcare
- F. Dry cleaning drop-off, incidental pressing and clothing repair without on-site cleaning
- G. Financial services, with drive through
- H. Garden supply store or greenhouse with or without outdoor storage or display
- I. Laundromats
- J. Mortuary or funeral home
- K. Museum
- L. Pawn shops, provided the operator meets license requirements established by the City Council and provided an inventory in the shop is provided on a weekly basis to the Chief of Police.
- M. Personal Services, such as beauty shops
- N. Private clubs and lodges
- O. Repair shops, excluding engine repair
- P. Restaurants, with drive through
- Q. School
- R. Showroom (indoors only)
- S. Theater, assembly hall or arena

12.23 C-PD COMMERCIAL PLANNED DEVELOPMENT OVERLAY

Subd. 1. **PURPOSE AND INTENT.** The purpose of the C-PD Planned Development

District is to promote planned, high quality development in the commercial area along Highway 61 at the east gateway to the City, as a Planned Unit Development.

Subd. 2. CANNABIS BUSINESSES. Cannabis businesses licensed or endorsed for cannabis retail if Waiver is granted, or as explicitly identified within the Planned Development Agreement.

Subd. 3. USES. Permitted, accessory and conditional in the C-PD District shall be the same as the respective permitted, accessory and conditional uses in the C-1 except for the following additional Conditional Use.

- a. Auto Repair
- b. Auto Sales and Rental
- c. Construction Yards, for the storage of construction equipment and materials, are conditionally permitted, as well as any necessary buildings for the storage of construction equipment and construction materials, which comply with zoning and applicable building codes. The conditions for approval are as follows and no other conditions are placed on this Conditional Use, including those in 12.06, that are not listed below:
 - 1) that the construction yard be proximal to a construction company's primary office and not be located on the highway frontage.
 - 2) that construction materials be stored on racks or pallets in an orderly and safe manner with perimeter screening of the site by a secure fence and landscaping so the outside storage is screened from view from of public right-of-ways and adjacent properties.

Subd. 4. DEVELOPMENT STANDARDS. Lot standards and general provisions for development within the C-PD shall be the same as for the C-1 District, except for the setback of buildings to the Highway 14/61 frontage, which shall require a build-to line of twenty feet (20') minimum and forty feet (40') maximum.

Subd. 5. MASTER PLAN REQUIRED. All rezoning, plats, site plan approvals or redevelopment plans will be approved by the City within the C-PD District only if a master development plan is submitted and approved which comprises at least three (3) acres of land and is agreed to by all property owners within the master plan area. Such master plan shall be prepared and reviewed according to the Planned Unit Development (PUD) standards of this title.

Subd. 6. WAIVER. The City Council may waive the requirement that a master plan be prepared and reviewed in accordance with the Planned Unit Development (PUD) standards of this title, if what is proposed for the site is in accordance with all other provisions of the Zoning Ordinance, is consistent with the City's Comprehensive Plan and is presented to the Planning Commission, who shall hold a public meeting, and provide a recommendation prior to City Council action.

Subd. 7. USES IN COMMERCIAL DISTRICTS

Use – P = Permitted, C = Conditional	C-1	CBD	C-PD
Animal hospitals	C		
Assembly Halls		C	
Auto filling station, car wash or oil change and auto repair and maintenance.	C		
Auto sales and rental.	C		C
Bakery	P	P	P
Bowling Alley no more than 8 lanes	P		P
Childcare	C	C	C
Copy shop	P	P	P
Dry cleaning drop-off, incidental pressing and repair without on-site cleaning	C	C	C
Financial services, without drive through	P	P	P
Financial services, with drive through	C	C	C
Garden supply store or greenhouse with or without outdoor storage or display	C		C
Health clubs and fitness centers	C	C	C
Hotels, motels, inns, bed and breakfast	P	P	P
Laundromats	C	C	C
Mortuary or funeral home	C	C	C
Multi-family attached residential dwellings, with a minimum density of 8 units per acres, which may include units combining living and working space within the unit, if all units on the same floor of a building are such		P	
Multi-family attached residential dwellings, with a minimum density of 8 units per acres, if purely residential units and units combining living and working space within the units are mixed on the same floor of a building		C	
Museum	C	C	C
Office, including medical and dental	P	P	P
Outdoor seating within the public right-of-way		C	
Personal services, such as beauty shops	C	C	C
Private clubs and lodges	C	C	C

Use – P = Permitted, C = Conditional	C-1	CBD	C-PD
Assembly Halls	P	P	P
Public buildings	P	P	P
Public infrastructure	P	P	P
Repair shops, excluding engine repair	C	C	C
Restaurants, without drive through	P	P	P
Restaurants, with drive-through	C		C
Retail goods and services in a fully enclosed building	P	P	P
School	C	C	C
Showroom (indoors only)	C	C	C
Tavern		C	
Theaters and arenas	C	C	C
Auto Repair	C		C
Auto Sales and Rental	C		C
Construction yards (with limitations)			C

12.24 I - INDUSTRIAL DISTRICT

Subd 4. CONDITIONAL USES.

- A. Heavy manufacturing, no emission industries
- B. Food processing industries
- C. Manufacturing industries with emissions
- D. Waste disposal sites and facilities
- E. Bulk fuel storage facilities
- F. Mini Storage Buildings.
- G. Cannabis businesses licensed or endorsed for cultivation.
- H. Cannabis businesses licensed or endorsed for cannabis manufacturer.
- I. Cannabis businesses licensed or endorsed for wholesale.
- J. Cannabis businesses licensed or endorsed for transportation.

K. Other industrial uses

12.55 DEFINITIONS LISTED

Is hereby amended to include the following:

Adult-Use Cannabis Product: As defined under Minnesota Statutes, section 342.01 , subd 4.

Cannabis Business. A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, dispensary, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis delivery services, or medical cannabis combination business licensed, or any use otherwise authorized, under Minnesota Statutes, Chapter 342.

Cannabis Cultivation: A cannabis business licensed for planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants cannabis flower, hemp plants, or hemp plant parts by a business licensed or authorized to cultivate cannabis or medical cannabis pursuant to Minnesota Statutes Chapter,342.

Cannabis delivery service. A person or entity licensed or otherwise authorized to purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, dispensaries, medical cannabis dispensaries, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions pursuant to Minnesota Statutes, Chapter 342.

Cannabis or lower-potency hemp edible manufacturing. An entity licensed or otherwise authorized for the creation of cannabis concentrate and manufacture of cannabis products and hemp-derived consumer products for public consumption pursuant to Minnesota Statutes, Chapter 342, an entity licensed or authorized to purchase hemp and artificially derived cannabinoids to make hemp concentrate; manufacture artificially derived cannabinoids and hemp edibles for public consumption; package and label lower-potency hemp edibles for sale to customers; sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses; and perform other actions pursuant to Minnesota Statutes, Chapter 342, or an entity in possession of a medical cannabis processor license pursuant to Minnesota Statutes, Chapter 342

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 Retail Business: A state licensed 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, excluding lower-potency hemp edible retailers, 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.

Cannabis testing facility. A facility licensed to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers pursuant to Minnesota Statutes, Chapter 342.

Cannabis transporter. An entity licensed or otherwise authorized to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from a cannabis business to a cannabis business 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.

Dispensary. An entity in possession of a cannabis retailer license or otherwise authorized to acquire, possess, transfer, sell, dispense, or distributes products containing cannabis and related supplies and products pursuant to Minnesota Statutes, Chapter 342.

Lower Potency Hemp Edible: As defined under Minnesota Statutes, section 342.01 , subd .50.

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 pursuant to Minnesota Statutes, Chapter 342.

Medical cannabis combination business. An entity authorized to cultivate, manufacture, and sell cannabis, hemp, and cannabis and hemp related supplies and products, and perform other actions authorized under a medical cannabis combination license pursuant to Minnesota Statutes, Chapter 342.

Office of Cannabis Management: State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.

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.

Retail Registration: An approved registration issued by the city to a cannabis retail business.

State License: An approved license issued by the Office of Cannabis Management to a cannabis retail business.

12.10 GENERAL PROVISIONS

Is hereby amended to include the following:

Subd. 19. GENERAL PERFORMANCE STANDARDS – CANNABIS BUSINESS

All cannabis businesses must be in compliance with Ordinance No. 587 of the City of La Crescent and all applicable state laws and regulations relating to the operation of a cannabis business.

SECTION II. This provision shall become effective from an after due passage and enactment and publication, according to law.

Passed and enacted this _____ day of _____, 2024.

SIGNED:

Mayor

ATTEST:

City Clerk