

city of saint paul
planning commission resolution
file number 24 - 23
date August 2, 2024

WHEREAS, in 2023 and 2024, amendments to Minnesota Statutes § 342 legalized adult-use cannabis in Minnesota, established a regulatory framework for the cannabis industry, and allowed cities to use zoning tools to regulate adult-use cannabis businesses within their jurisdictions; and

WHEREAS, On December 13, 2023, the City Council initiated a zoning study through Resolution 23-1829, directing the Planning Commission to consider amendments to the Zoning Code relating to adult-use cannabis to achieve statutory compliance and provide a framework for these new business types; and

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to classify all property in such manner as to encourage the most appropriate use of land throughout the city; and

WHEREAS, the Planning Commission held a public hearing on June 7, 2024, regarding the proposed zoning code amendments, which was duly published in the Pioneer Press and the City's Early Notification System; and

WHEREAS, the Planning Commission referred the draft adult-use cannabis zoning study text amendments to the Comprehensive and Neighborhood Planning Committee for consideration, review of the public hearing testimony, and recommendation; and

WHEREAS, in a memorandum to the Saint Paul Planning Commission dated July 26th, 2024, the Comprehensive and Neighborhood Planning Committee forwarded its recommendations and a rationale for amending the Zoning Code related to adult-use cannabis;

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, under the authority of § 61.801 of the City's Legislative Code, hereby recommends the to the Mayor and City Council the following amendments to chapters 60, 63, 65, and 66 of the Zoning Code pertaining to adult-use cannabis for their review and adoption:

moved by Martinson
seconded by Ortega
in favor Unanimous
against _____

Adult-use Cannabis Zoning Study Recommended Amendments

Note: Existing language to be deleted shown by ~~strike-outs~~. New language is underlined.

Chapter 60. Zoning Code - General Provisions and Definitions; Zoning Districts and Maps Generally

ARTICLE II. 60.200. GENERAL DEFINITIONS

Sec. 60.223. V.

Variance. (See: "zoning conditional uses and variances.")

Vestibule. An enclosed entrance intended for the conservation of energy and attached to an entry way of a principal structure.

Volatile solvent. Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane, and propane.

Chapter 63. Zoning Code - Regulations of General Applicability

ARTICLE II. -63.200. PARKING REQUIREMENTS

Table 63.207. Maximum Off-Street Surface Parking By Use

Commercial Uses		
Office, Retail and Service Uses		
General office, studio, general retail, general service business, alternative financial establishment, animal boarding/shelter/day care, business sales and services, dry cleaning, commercial laundry, furniture/appliance store, gun shop, shooting gallery, lumber yard, pawn shop, tattoo shop, tobacco shop, veterinary clinic/hospital, <u>cannabis retail</u>	1 space per 250 sq. ft. GFA	1 space per 300 sq. ft. GFA
Greenhouse, garden center	1 space per 250 sq. ft. GFA plus 1 space per 600 sq. ft. outdoor sales or display area	1 space per 300 sq. ft. GFA plus 1 space per 700 sq. ft. outdoor sales or display area

Sec. 63.210. Bicycle parking.

Commercial Uses	
Office, Retail and Service Uses	
Office (including, but not limited to, administrative, financial, insurance, professional, real estate, and sales offices)	2 spaces or 1 space per 5,000 sq. ft. GFA, whichever is greater
General retail, service business, bank, credit union, building materials center, business sales and services, convenience market, currency exchange, dry cleaning, commercial laundry, food and related goods sales, food shelf, furniture/appliance store, gun shop, shooting gallery, liquor store, lumber yard, massage center, pawn shop, photocopying, repair shop, self-service laundromat, supermarket, tattoo shop, tobacco shop, <u>cannabis retail</u>	2 spaces or 1 space per 4,000 sq. ft. GFA, whichever is greater.
Food and Beverages	

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE V. - 65.400. COMMERCIAL USES

Division 1. - 65.410. Office, Retail and Service Uses

Sec. 65.412. General retail.

General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:

- (a) Antiques and collectibles store;
- (b) Art gallery;
- (c) Bakery;
- (d) Bicycle sales and repair;
- (e) Book store, music store;
- (f) Butcher shop;
- (g) Catering;
- (h) Clothing and accessories;
- (i) Deli;
- (j) Drugstore, pharmacy;
- (k) Electronics sales and repair;

- (l) Florist;
- (m) Food and related goods sales;
- (n) Jewelry store;
- (o) Hardware store;
- (p) Liquor store;
- (q) Lower-potency hemp edible retail;
- ~~(q)(r)~~ News stand, magazine sales;
- ~~(r)(s)~~ Office supplies;
- ~~(s)(t)~~ Pet store;
- ~~(t)(u)~~ Photographic equipment, film developing;
- ~~(u)(v)~~ Stationery store;
- (w) Picture framing; and
- (x) Video store.

Sec. 65.413. Service business, general.

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Bank, credit union;
- (b) Barber and beauty shops;
- (c) Cannabis testing facility;
- ~~(c)(d)~~ Dry-cleaning pick-up station;
- ~~(d)(e)~~ Food shelf;
- ~~(e)(f)~~ Interior decorating/upholstery;
- ~~(f)(g)~~ Laundromat, self-service;
- ~~(g)(h)~~ Locksmith;
- ~~(h)(i)~~ Mailing and packaging services;
- ~~(i)(j)~~ Massage center;
- ~~(j)(k)~~ Medical or dental clinic or laboratory;
- ~~(k)(l)~~ Photocopying;
- ~~(l)(m)~~ Post office;
- ~~(m)(n)~~ Radio and television service and repair;
- ~~(n)(o)~~ Shoe repair;
- ~~(o)(p)~~ Small appliance repair;
- ~~(p)(q)~~ Tailor shop; and
- ~~(q)(r)~~ Watch repair, other small goods repair.

Sec. 65.511. Cannabis retail

A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, plants, cannabis products, and lower-potency hemp products, including cannabis products sold for on-site consumption.

Standards and conditions:

- (a) Except in industrial districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the location.

- (b) Except in B4 – B5, cannabis businesses with a retail license or a cannabis retail endorsement shall be located a minimum distance of 300 feet from any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
- (c) Cannabis retailers must operate and maintain a closed-circuit television (CCTV) surveillance system. The CCTV video surveillance system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of entry and exit.
- (d) A cannabis retail use is prohibited from sharing a common entrance with a business licensed as a tobacco products shop.

Sec. 65.530. - Package delivery service.

A business which transports packages and articles for expedited delivery primarily in single rear axle straight trucks or smaller vehicles, including cannabis delivery services and cannabis transportation, where no single item weighs over one hundred fifty (150) pounds. Excludes courier services.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE V. - 65.400. COMMERCIAL USES

Division 8. - 65.770. Limited Production, Processing and Storage

Sec. 65.771. Agriculture.

Principal use of land for production of food or horticultural crops to be harvested, sold, or donated.

Standards and conditions:

- (a) Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for a site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the zoning administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required.
- (b) In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit.
- (c) The use shall be subject to the minimum property maintenance standards (chapter 34) and noise regulations (chapter 293) of the city.
- (d) Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.
- (e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.
- (f) Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.
- (g) When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the

agriculture use shall be removed. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.

- (h) Outdoor commercial cultivation of cannabis is prohibited in residential districts. In all other districts, outdoor commercial cultivation of cannabis requires a conditional use permit.

Standards and conditions in residential and traditional neighborhood districts for an agriculture use with an area of less than one (1) acre:

- ~~(h)~~ i On-site sales shall be limited only to products grown on the site. Sales shall be limited to no more than three (3) sales in any calendar year and may take place only between the hours of 7:00 a.m. and 7:00 p.m. Sales shall be held on property occupied either by seller's dwelling unit or on property owned, rented, leased, or otherwise Lawfully occupied by a charitable, institutional, or political organization. Sales shall not take place on the public sidewalk or boulevard.
- ~~(i)~~ j Gardening equipment shall be limited to that which is commonly used for household gardening.
- ~~(j)~~ k Accessory buildings shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoopouses, cold frames, and similar structures located above gardening plots and being used to extend the growing season are permitted. A building permit is required for any temporary structure covering an area greater than two hundred (200) square feet.
- ~~(k)~~ l One identification sign is permitted, not to exceed six (6) square feet.

Sec. 65.780. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (1) Apparel and other finished products made from fabrics;
- (2) Blueprinting;
- (3) Up to 15,000 sq. ft. of cannabis cultivation, cannabis product manufacturing, or lower-potency hemp edible manufacturing, within an indoor facility;
- ~~(3)~~(4) Computers and accessories, including circuit boards and software;
- ~~(4)~~(5) Electronic components, assemblies, and accessories;
- ~~(5)~~(6) Film, video and audio production;
- ~~(6)~~(7) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing;
- ~~(7)~~(8) Jewelry, watches and clocks;
- ~~(8)~~(9) Milk, ice cream, and confections;
- ~~(9)~~(10) Musical instruments;
- ~~(10)~~(11) Novelty items, pens, pencils, and buttons;
- ~~(11)~~(12) Precision dental, medical and optical goods;
- ~~(12)~~(13) Signs, including electric and neon signs and advertising displays;
- ~~(13)~~(14) Toys;

- ~~(14)~~(15) Wood crafting and carving; and
~~(15)~~(16) Wood furniture and upholstery.

Standards and conditions:

- (a) In T2—T3 traditional neighborhood districts, a conditional use permit is required for new construction covering more than fifteen thousand (15,000) square feet of land to ensure size and design compatibility with the particular location.
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing or cultivation processes shall not be discernable beyond the property line.
- (c) Except in industrial districts, the use of volatile solvents for cannabinoid extractions is prohibited.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE VI. - 65.800. INDUSTRIAL USES

Sec. 65.810. Light manufacturing.

Light manufacturing includes, but is not limited to, the following:

- (a) Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, electronic components, feathers, felt, fiber, fur, glass, hair, horn, leather, nonferrous metals, paper, plastic, precious or semiprecious metals or stones, rubber (excluding rubber or synthetic processing, tires and inner tubes), steel, sheet metal, shell, textiles and fabrics, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns;
- (b) Manufacture or assembly of automobiles, boats less than one hundred (100) feet in length, and electrical appliances and equipment;
- (c) Bottling, all beverages;
- (d) Manufacture, assembly, compounding, processing, packaging or treatment of such products as, but not limited to: hardware and cutlery, nontoxic chemicals, pharmaceuticals, and food products (excluding slaughtering of animals and preparation of meat for packing, sugar refining, oils, and grain, feed or flour milling, processing or storage);
- (e) Manufacture of glass and glass products, ceramics, china, pottery and other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
- (f) Metal working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.
- (g) More than 15,000 sq. ft. of cannabis and hemp product manufacturing within an indoor facility.

Sec. 65.824. Greenhouse, industrial.

Wholesale business whose principal activity is the growing and selling of plants within an enclosed building-, including commercial cannabis cultivation over 15,000 sq. ft.

Chapter 65. - Zoning Code - Land Use Definitions and Development Standards

ARTICLE VII. - 65.900. ACCESSORY USES

Sec. 65.910. Accessory use or accessory.

A building, structure, or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

....

(q) Homeless services facility accessory to a religious institution, subject to the standards and conditions in section 65.240.

(r) Cannabis transportation and delivery accessory to a cannabis business.

(s) Cannabis and hemp product manufacturing accessory to craft breweries, craft wineries, or craft distilleries.

(t) Cannabis cultivation for research or educational purposes, accessory to a college, university, or similar institution of higher learning.

Chapter 66. - Zoning Code - Zoning District Uses, Density and Dimensional Standards

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Division 2. - 66.320. Principal Uses in Traditional Neighborhood Districts

Sec. 66.321. Principal uses.

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1—T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
Commercial Uses					
Business sales and services		P	P		(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Drive-through sales and services, principal and accessory		C			(s)
Dry cleaning, commercial laundry		P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	(d), (s)

Chapter 66. - Zoning Code - Zoning District Uses, Density and Dimensional Standards

ARTICLE IV. - 66.400. BUSINESS DISTRICTS

Division 2. - 66.420. Principal Uses in Business Districts

Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Commercial Uses								
Office, Retail, and Service Uses								
Business sales and services					P	P	P	(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	(s)

Chapter 66. - Zoning Code - Zoning District Uses, Density and Dimensional Standards

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 2. - 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Commercial Uses					
Office, Retail, and Service Uses					
Business sales and services	P	P	P		(d)
<u>Cannabis retail</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
Drive-through sales and services, principal and accessory	P	P	P		(s)

Chapter 66. - Zoning Code - Zoning District Uses, Density and Dimensional Standards

ARTICLE IX. - 66.900. FORD DISTRICTS

Division 2. - 66.920. Ford District Uses

Sec. 66.921. Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
Commercial Uses							
Office, Retail and Service Uses							
Business sales and services					P	P	(d)
<u>Cannabis retail</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Dry cleaning, commercial laundry			P	P	P		