

**SPRING LAKE PARK
ORDINANCE XXX**

**AN ORDINANCE AMENDING SLPC CHAPTER 11, BUSINESS REGULATIONS,
AND SLPC CHAPTER 16, ZONING, RELATING TO ADULT USE CANNABIS
BUSINESSES**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **ADOPTION** “11.48 CANNABIS BUSINESS REGULATIONS” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48 CANNABIS BUSINESS REGULATIONS(*Added*)

SECTION 2: **ADOPTION** “11.48.010 Purpose” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.010 Purpose(*Added*)

The purpose of this ordinance is to implement the provisions of Minn. Stat. Ch. 342, which authorizes the City Council to protect the public health, safety and welfare of Spring Lake Park residents by regulating cannabis businesses within the legal limits of the city.

SECTION 3: **ADOPTION** “11.48.020 Definitions” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.020 Definitions(*Added*)

Unless otherwise noted or specifically defined in this section, words and phrases contained in M.S. § 342.01, as it may be amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space 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 cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

CANNABIS RETAIL BUSINESSES. A retail location and the retail location(s) of a mezzobusiness(es) with a retail operations endorsement, microbusiness(es) with a retail operations endorsement, and medical combination business(es) operating a retail location.

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.

CERTIFIED MEDICAL PROFESSIONAL. An individual who holds a valid and active license to practice medicine or provide healthcare services within the State of Minnesota, as issued by the Minnesota Board of Medical Practice, or other relevant state licensing authorities. This includes, but is not limited to, licensed physicians, advanced practice registered nurses (APRNs), physician assistants (PAs) or other healthcare professionals recognized by the State of Minnesota as being authorized to conduct medical evaluations, provide medical advice and respond to medical emergencies.

DAYCARE. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

DRUG PARAPHERNALIA. All equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products. **DRUG PARAPHERNALIA** does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

LOWER-POTENCY HEMP EDIBLE. As defined under M.S. § 342.01, subd. 50, as it may be amended from time to time.

LOWER-POTENCY HEMP EDIBLE RETAILER. A business which sells Lower-Potency Hemp Edibles but which is not a Cannabis Retailer.

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

PLACE OF PUBLIC ACCOMMODATION. A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

PRELIMINARY LICENSE APPROVAL. OCM pre-approval for a cannabis business license for applicants who qualify under M.S. § 342.17, as it may be amended from time to time.

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.

RESIDENTIAL TREATMENT FACILITY. A facility as defined under M.S. § 245.462, subd. 23, as it may be amended from time to time.

RETAIL REGISTRATION. An approved registration issued by the city to a state-licensed cannabis retail business.

SCHOOL. A public school as defined under M.S. § 120A.05, as it may be amended from time to time, or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24, as it may be amended from time to time.

STATE LICENSE. An approved license issued by the Office of Cannabis Management to a cannabis business.

SECTION 4: ADOPTION “11.48.030 Registration Of Cannabis Businesses” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.030 Registration Of Cannabis Businesses(*Added*)

A. Consent to Registering of Cannabis Businesses. No individual or entity may operate a state-licensed cannabis retail business within the corporate limits of the city without first registering with the city. With the exception of the limitations set forth in Paragraph G.1, all requirements of this Section shall apply to lower-potency hemp edible retailers the same as they do to cannabis retail businesses.

B. Compliance Checks Prior to Retail Registration.

1. The city may conduct a preliminary compliance check prior to issuance of a cannabis retail business registration to ensure compliance with local ordinances.
2. Pursuant to M.S. Ch. 342, within 30 days of receiving a copy of a state license application from OCM, the city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration and Application Procedure.

1. Fees.

- a. The city shall not charge an application fee.
- b. A registration fee, as established under the city's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
 - (1) An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
 - (2) Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less.
 - (3) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2. Application submittal.

- a. The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of M.S. § 342.22, as it may be amended from time.
 - (1) An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:
 - (A) Full name of property owner and applicant;
 - (B) Address, email address, and telephone number of the applicant;
 - (C) The address and parcel ID for the property which the retail registration is sought;
 - (D) Certification that the applicant complies with the requirements of local ordinances established pursuant to M.S. 342.13, as it may be amended from time to

time.

(2) The applicant shall include with the form:

(A) The application fee as required in Paragraph C,1;

(B) A copy of the state license application form and materials submitted to OCM.

(C) A copy of a valid state license or written notice of OCM license preapproval.

(3) Once an application is considered complete, the city shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

(4) The application fee shall be non-refundable once processed.

3. Application approval.

a. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Paragraph G.

b. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

c. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

4. Annual compliance checks.

a. The city shall complete at least one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under M.S. § 342.22, subd. 4(b) and M.S. § 342.24, as they may be amended from time to time, and these ordinances.

b. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a person or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer.

5. Location change. A state-licensed cannabis retail business shall be required to submit a new application for registration under Paragraph C,2 if it seeks to relocate to a new location still within the legal boundaries of the city. That application for registration at the new location shall be subject to the provisions of Paragraph G.

D. Renewal of registration. The city shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the city and pay the renewal fee for the registration as established in the city's fee schedule.

E. *Transfer of registration.* A cannabis retail registration issued under this ordinance shall not be transferred.

F. *Suspension of registration.*

1. *When suspension is warranted.* The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension.
2. *Notification to OCM.* The city shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
3. *Length of suspension.* The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The city may require receipt of a determination from OCM before reinstating a registration. The business may not make sales to customers if their registration is suspended. The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

G. *Limitation on Number of Registrations.*

1. *The city shall limit the number of cannabis retail businesses to the lowest number of registrations permitted by M.S. § 342.13, as it may be amended from time to time, and these ordinances. The city shall allow no greater than one registration within the city limits which is not an operation owned and operated by the city. In the event an application for registration seeks to locate within the corporate boundaries of the city and the County in which the proposed operations site is located has reached the threshold of one active registration for every 12,500 residents, the city shall not issue a registration. This limitation shall not apply to lower-potency hemp edible retailers, as defined in this Chapter.*
2. *The city shall limit the number of lower-potency hemp edible retailers to no more than four registrations within the corporate boundaries of the city. However, the limits set forth in this Paragraph G,2 shall not apply to a cannabis retail business which is also licensed to sell lower-potency hemp edibles.*

H. *Inspections.* City officials and law enforcement have the right to inspect the premises at any time to ensure compliance with all regulations.

SECTION 5: **ADOPTION** “11.48.040 Restrictions On Issuance” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.040 Restrictions On Issuance(*Added*)

- A. No registration for a state-licensed cannabis business shall be granted within 1,000 feet of a school. The distance is to be measured from the closest side of the school to the closest side of the structure on the premises within which cannabis is to be sold.
- B. No registration for a state-licensed cannabis business shall be granted within 500 feet of a day care, a residential treatment facility and/or an attraction within a public park that is regularly used by minors, including a playground or athletic field. The distance is to be measured from the closest side of the day care, residential treatment facility or public park attraction regularly used by minors to the closest side of the structure on the premises within which cannabis is to be sold.
- C. Pursuant to M.S. § 462.367, subd. 14, as it may be amended from time to time, nothing in SLPC 11.48.040 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility and/or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- D. In the event an applicant seeks registration for a business to be located within a zoning district which requires a conditional use permit to permit the business, the city shall deny the application as not compliant with local zoning if the applicant has not obtained a valid conditional use permit for the use from the city.

SECTION 6: **ADOPTION** “11.48.050 Hours Of Operation” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.050 Hours Of Operation(*Added*)

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

SECTION 7: **ADOPTION** “11.48.060 Temporary Cannabis Events” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.060 Temporary Cannabis Events(*Added*)

- A. License required. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.
- B. Registration and application procedure. A registration fee, as established in the city fee schedule, shall be charged to applicants for Temporary Cannabis Events.
- C. Application submittal and review. The city shall require an application for Temporary Cannabis Events.
 - 1. An applicant for a retail registration shall fill out an application form, as provided by the city. The form shall include, but is not limited to:
 - a. Full name of the property owner and applicant;
 - b. Address, email address and telephone number of applicant;
 - c. The address at which the event will be held; and
 - d. Other information required by the Administrator, Clerk/Treasurer or designee.
 - 2. The applicant shall include with the form the application fee as required under Paragraph B and a copy of the OCM cannabis event license application, submitted pursuant to M.S. § 342.39, subd. 2, as it may be amended from time to time.
 - 3. The application shall be submitted to the Administrator, Clerk/Treasurer, or designee, for review. If the Administrator, Clerk/Treasurer determines that a submitted application is incomplete, he/she shall return the application to the applicant with the notice of deficiencies.
 - 4. Once an application is considered complete, the Administrator, Clerk/Treasurer shall inform the applicant of such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed.
 - 5. The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - a. Comply with buffer standards as set forth in SLPC 16.24.010.
 - b. Security requirements.
 - (1) A minimum of two licensed peace officers or licensed security guards per 100 attendees must be present at all times.
 - (2) The event area must be equipped with 24/7 video surveillance covering all entrances, exits, and key areas.
 - (3) Secure fencing and controlled entry points must be established to ensure only authorized individuals enter the event area.
 - c. Operational standards.
 - (1) Noise levels must not exceed the limits set forth in the city's noise ordinance.
 - (2) Effective odor control measures must be in place to ensure no detectable odor extends beyond the event premises.
 - d. Health and safety standards.
 - (1) At least one certified medical professional must be present on-site at all times.
 - (2) Adequate sanitation facilities must be provided, including

restrooms and handwashing stations, as determined by the City's Building Official.

(3) A comprehensive waste management plan must be implemented to handle all event-related waste.

e. Inspections. City officials and law enforcement have the right to inspect the event at any time to ensure compliance with all regulations.

f. Event hours. A Temporary Cannabis Event shall only be held between the hours of 9:00am and 9:00pm.

6. On-site consumption prohibited. On-site consumption shall not be permitted at a temporary cannabis event within the city.

SECTION 8: **ADOPTION** “11.48.070 Civil Penalties” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.070 Civil Penalties(*Added*)

A. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

B. Subject to M.S. § 342.22, subd. 5(e), the city may impose a civil penalty of \$500 for the first violation of this chapter, \$1,000 for the second violation of this chapter within a 36 month period, and \$2,000 for the third and subsequent violations within a 36 month period.

SECTION 9: **ADOPTION** “11.48.080 Public Use Of Cannabis And Lower-Potency Hemp Edibles Prohibited” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.080 Public Use Of Cannabis And Lower-Potency Hemp Edibles Prohibited(*Added*)

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Spring Lake Park. For the purposes of this Section, “public place” shall not include:

- a. A private residence, including the curtilage or yard of the same;
- b. Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property;
- c. The premises of an establishment or event licensed to permit on-site consumption, provided the use complies with the on-site consumption permit, and this Chapter. On-site consumption shall not be permitted at cannabis events within the city.

Any violation of this Section shall be a petty misdemeanor.

SECTION 10: **ADOPTION** “11.48.090 Possession Of Drug Paraphernalia Prohibited” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.48.090 Possession Of Drug Paraphernalia Prohibited(*Added*)

It is unlawful for any person, knowingly or intentionally, to use or possess drug paraphernalia.

Any violation of this Section shall be a petty misdemeanor.

SECTION 11: **AMENDMENT** “16.36.010 Specific Development Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.36.010 Specific Development Standards

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

A. *Auto and marine; sales, leasing and rental.*

1. The use shall be served by a major collector or higher classification of roadway.
2. An open-ai red used auto and marine sales or rental lot as a stand-alone business is prohibited.
3. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
4. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30%

of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.

5. Outdoor vehicle display areas within the public right-of-way are prohibited.
6. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
7. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
8. Music or amplified sounds shall not be audible from adjacent residential properties.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
10. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

B. Auto and marine; service and repair.

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

C. Car wash.

1. Water from the car wash shall not drain across any sidewalk or into any public right-of-way.
2. Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.

3. The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

D. *Child daycare center.*

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. At least 50 square feet of outside play area shall be provided for each child under care. .
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

E. *Drive-in restaurants.*

1. The site shall accommodate vehicle stacking in accordance with the provisions of this title.
2. Any speaker system shall not be audible from any residentially zoned property or any residential use.

F. *Home occupations.*

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

G. *Pawnshop.*

1. The use shall be located at least 3,000 feet from all existing pawnshops,

currency exchanges, consignment/secondhand stores and precious metal dealerships.

2. The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.
3. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
4. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
5. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

H. *Sexually-oriented businesses.*

1. Conditions outlined in SLPC 11.44.040, Conditional Use Permit Required; Conditions, in SLPC 11.44, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.
2. The use shall be located at least 1,000 feet from any other adult entertainment use.
3. Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.
4. No more than one adult entertainment use shall be located on the property.
5. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

I. *Boarding school.*

1. Dormitory must be supervised by adult staff members whenever students are present.
2. Dormitory must have sufficient personal space for students to sleep in and store their belongings, with suitable furniture of sufficient size for the number of students, as well as appropriate separation between gender and age groups.
3. In addition to sleeping rooms, dormitory must include provision of support spaces (e.g. living room, activity room, study rooms, storage, laundry, kitchen/dining area, bathrooms, etc.).
4. Dormitory must have bathroom and washing facilities that ensure maximum privacy of students, as well as personal hygiene. Bathrooms, showers and toilets must be designed in such a way that staff is able to open them from the outside in case of an emergency.
5. Dormitory must provide a space for health care, such as sick rooms/bays with an appropriate first aid kit.

J. *Liquor establishments; places of worship, schools.*

1. No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or place of worship, consistent with SLPC 11.08.010 Paragraph Q, as amended from time to time.
2. No place of worship or school shall be located within 500 feet of an on-sale or off-sale liquor establishment licensed by the city. A place of worship or school

located within 500 feet of an on-sale or off-sale liquor establishment prior to the effective date of this section shall be considered a legal, non-conforming use.

K. *Bulk deicer storage facilities.*

1. *Applicability.* The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials.
2. *General Requirements.*
 - a. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
 - b. All salt, sand and other deicing materials stored outdoors must be covered at all times.
 - (1) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - (2) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.
 - (3) Facility siting.
 - (A) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
 - (B) Each facility must be located outside of floodplains and 100 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
 - (C) A facility must be located on impermeable surfaces.
 - (D) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures as identified by the City Engineer shall be instituted to protect vulnerable areas.
 - (4) *Transfer of materials.* Practices must be implemented in order to reduce exposure (e.g. sweeping, diversions, and/or containment) when transferring salt or other deicing materials.
 - (5) *Snow piles.* Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from

flowing through storage areas and carrying material to the nearest drainage system or waterway.

L. *Sacred communities.*

1. *Definitions.* All definitions under M.S. § 327.30, subd. 1, as amended from time to time, are hereby adopted by reference.
2. *General Requirements.*
 - a. All Sacred Communities must have a Conditional Use Permit prior to commencement of use.
 - b. All Sacred Communities must comply with all requirements of M.S. § 327.30, as amended from time to time, and such requirements are hereby adopted by reference.
 - c. Appropriate insurance coverage for the religious institution and all proposed uses must be obtained and proof provided to the City prior to the commencement of the use.
 - d. Between one-third (1/3) and forty percent (40%) of the micro units must be occupied by volunteers.
 - e. All units must be connected to electric service.
 - f. All units must be less than four hundred (400) square feet and be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
 - g. Prior to commencement of use, all Sacred Communities must provide the City with a written and sufficiently detailed plan, approved by the religious institution's governing board, that outlines the following:
 - (1) disposal of water and sewage from micro units if not plumbed;
 - (2) adequate parking, lighting, and access to units by emergency vehicles;
 - (3) protocols for security and address conduct within the settlement; and
 - (4) safety protocols for severe weather.
 - h. Units must be built in accordance with the American National Standards Institute (ANSI) Code 119.5, as amended from time to time, which includes standards for heating, electrical systems, and fire and life safety.
 - i. Compliance with all setback requirements consistent with manufactured homes per SLPC 16.64.050 and SLPC 15.08 and must be placed in the least conspicuous feasible location as determined by the Zoning Administrator, including not being placed in easements, sight triangles or in parking spaces otherwise required for the site.
 - j. Must be placed on the primary site of the religious institution's worship location or on property directly contiguous to the primary site.
 - k. A Sacred Community must provide an annual certification that residents of the micro units meet the eligibility requirements as designated volunteers, chronically homeless individuals, or individual

with extremely low income and at the occupancy levels required by state law and City Code.

- l. No Sacred Community occupant, unit or site may create a public nuisance of any type as outlined in City Code.
- m. All units must either be connected to City services and provide the following services in-unit; or have twenty four (24) hour access to shared facilities connected to City services: kitchens, laundry, toilet, and bathing facilities. Shared facilities must be within 100 feet door to door of all units. The required number of these facilities shall be regulated by M.R., part 1305.2902, as amended from time to time. No individual unit or shared facility may be connected to a septic system or holding tank.
- n. Placement of Sacred Communities must not cause the site to become noncompliant with any City Code.
- o. All access paths to units, entrances to units and common facilities must be well lit at all times.
- p. All units must be clad in a material which is compliant with the City's residential exterior material codes.
- q. One (1) parking space per volunteer unit shall be provided on site and may not make the remainder of the site non-compliant with parking requirements of this Code.
- r. Applicants and permit holders shall make all units and facilities within a Sacred Community available and accessible to the City at all reasonable times for inspection to ensure compliance with the terms of this Section. A permit may be denied, suspended or revoked by the City Council due to non-compliance with this Section. In the event of non-compliance, the City shall notify the permit holder of the violation and provide reasonable opportunity to cure. If the violation is not promptly addressed, the matter shall be presented to the City Council for potential action on the permit and the permit holder shall be notified. The permit holder shall have an opportunity to present any relevant evidence at a hearing before the City Council, prior to any action being taken on the permit by the City Council. The Building Official shall also have authority to temporarily and immediately suspend a permit to address an emergency situation. In such event, the action of the Building Official on the permit shall be promptly reviewed by the City Council.

M. Cannabis and Hemp Business Activities

- 1. Cannabis retail establishments can only operate between the hours of 10:00 a.m. and 9:00 p.m.
- 2. Establishments must implement comprehensive security measures, including but not limited to:
 - a. Security cameras covering all areas of the premises, both interior and exterior.
 - b.

Alarm system monitored 24 hours per day, 7 days per week by a licensed security company.

c. Secure storage areas for all cannabis products.

Adequate ventilation systems must be installed to ensure no odor is detectable from the exterior of the building or from adjacent properties.

4. Establishments must have a plan for the disposal of cannabis waste that complies with state regulations and prevents access by unauthorized individuals.

5. The operation of a cannabis business is prohibited within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

6. All signage must comply with SLPC 16.24 and must not depict cannabis leaves, use slang terms for cannabis, or appeal to minors.

SECTION 12: AMENDMENT “16.64.040 Appendix D: Schedule Of Permitted Uses By District” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.040 Appendix D: Schedule Of Permitted Uses By District

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, conditional, or interim uses.

| <i>Use</i> | <i>Details</i> | <i>District</i> | | |
|-----------------------------|----------------------------------------------------------------------------------|-----------------|------------|------------|
| | | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> |
| Boarding or rental of rooms | Note: family members, as defined in this title, may enter into rental agreements | C | C | C |
| Dwellings | Cluster developments | - | - | C |
| Dwellings | Medium density dwellings | - | P | P |
| Dwellings | Mobile homes | - | - | C |
| Dwellings | Multi-family dwellings over six units per building | - | - | C |
| Dwellings | Single-family detached dwellings | P | P | P |
| | | | | |

| | | | | |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---|---|---|
| Dwellings | Two-family dwellings | C | P | P |
| Essential public service and utility structures or uses | | P | P | P |
| Fallout shelter | | A | A | A |
| Family daycare | Within the residence of the daycare provider | P | P | P |
| Home occupations | As regulated by SLPC 16.36.010 | P | P | P |
| Living quarters of persons employed on the premises | | - | - | A |
| Off-street parking lots or garages | | - | - | A |
| Parks and recreation | Private owned or operated areas | C | C | C |
| Parks and recreation | Private recreation facilities for the enjoyment of residents and guests only | A | A | A |
| Parks and recreation | Public owned or operated areas | P | P | P |
| Places of worship | Under 30,000 square feet; includes sacred communities as regulated by SLPC 16.36.010 | C | C | C |
| Private garage | | C | C | C |
| Schools | Day schools or nurseries | C | C | C |
| Schools | Public or private | C | C | C |
| Small wireless facility in right-of-way, as regulated in SLPC 12.48 | | C | P | P |
| Swimming pool | | A | A | A |
| Tool house, shed, and similar storage | | A | A | A |
| Uses customarily incident to the permitted, conditional or interim uses allowed in the district | | A | A | A |
| | | | | |

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|-------------------------------------------------------------------------------------|---|---|---|
| Other public or semi- public facilities | C | C | C |
| Key: A = accessory uses; P = permitted uses; C = conditional uses; I = interim uses | | | |

B. *Commercial districts.*

| <i>Use</i> | <i>District</i> | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|------------|
| | <i>C-1</i> | <i>C-2</i> | <i>C-3</i> |
| Accessory uses customarily incident to the permitted, conditional or interim uses allowed in the district | A | A | A |
| Adult daycare facilities | C | C | C |
| Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing and SLPC 16.36.010 Paragraph A) | - | I | - |
| Auto and marine; service, parts, and repair, excluding wash | C | C | - |
| Boarding school | C | - | - |
| Brewer taprooms, brew pubs and cocktail rooms | P | P | - |
| <u>Cannabis; retail, compliant with SLPC 11.48.030-11.48.040</u> | <u>P</u> | <u>P</u> | <u>-</u> |
| Commercial recreation, indoor | C | C | - |
| Commercial recreation, outdoor | C | C | - |
| Construction and/or trades sales and service shops; with storage of equipment, supplies or materials inside a building | P | P | C |
| Child daycare facilities (see SLPC 16.36.010 Paragraph D) | C | C | C |
| Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing | P | P | - |
| Dry cleaning and laundry collection stations, and self-service | P | P | - |
| Electric vehicle charging station | A | A | A |
| Equipment rental, no outside display | P | P | C |
| Equipment rental, outside display | - | C | - |
| Essential service structures, including, but not limited to, buildings such as telephone stations, booster or pressure stations, elevated tanks, lift stations, and electric power substations | A | A | A |

| | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|----------|
| Event centers, night clubs, taverns | C | C | - |
| Farmer's market | I | I | I |
| Financial institutions, with no drive-up window | P | P | C |
| Financial institutions, with drive-up window | C | C | C |
| Garden centers and nurseries | - | C | - |
| Greenhouses, seasonal | I | I | - |
| Health care services; including medical, dental, optometrist, chiropractic and counseling clinics, for the diagnosis, treatment and care of patients | P | P | P |
| Hospitals | - | C | - |
| <u>Lower potency hemp edible retailers, compliant with SLPC 11.48.030</u> | <u>P</u> | <u>P</u> | <u>-</u> |
| Mortuaries, funeral homes, monument sales | C | P | - |
| Motels, hotels, or apartment hotels | C | C | - |
| Motor fuel stations | C | C | - |
| Municipal and government buildings and structures, including police, fire, library, public works garages | C | C | C |
| Nursing homes, memory care or retirement homes | - | - | C |
| Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold | P | P | C |
| Off-sale liquor stores | P | P | - |
| Off-street parking and loading as regulated in SLPC 16.40.010 | A | A | A |
| Offices (administrative, executive, professional, governmental, medical, research); without merchandising services | P | P | P |
| Offices; with merchandising services | C | P | C |
| Outdoor seating or dining | C | C | - |
| Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 Paragraph G (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing | C | C | - |
| Personal services; barber shops, beauty/hair salons, | | | |

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| massage therapy, shoe repair, tailoring and alterations, alterations and the like | P | P | P |
| Pet related care; including dog daycare, boarding, veterinary clinics and grooming, with outdoor use | C | C | - |
| Pet related care including dog daycare, boarding, veterinary clinics and grooming, with no outdoor use | P | P | - |
| Places of worship; religious uses | C | C | - |
| Plumbing and heating showrooms and shops | - | P | - |
| Printing, publishing, and related distribution agencies | C | C | - |
| Private clubs and lodges | C | C | - |
| Public, parochial and private schools, trade and business schools, colleges and universities | C | C | - |
| Research and development; including laboratories (medical, software, communications, scientific, etc) | P | P | P |
| Restaurants, excluding a drive-up window | P | P | - |
| Restaurants, including a drive-up window | C | C | - |
| Restaurants; with or without on-sale liquor | P | P | - |
| Retail uses (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, floral, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods | P | P | C |
| Sacred communities, as regulated by SLPC 16.36.010 | C | C | - |
| Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H | C | - | - |
| Signs as regulated by SLPC 16 | A | A | A |
| Small wireless facility in right-of-way, as regulated in SLPC 12.48 | P | P | P |
| Studios; artistic, music, photo, decorating, dancing, health, and the like | C | C | - |
| Tattoo and body piercing | P | P | - |
| Theaters (indoor only) | P | P | - |
| Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses | | | |

C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim

uses.

| <i>Uses in I-1</i> | <i>Category</i> |
|-----------------------------------------------------------------------------------------------------|-----------------|
| Automobile sales; indoor (Refer to SLPC 11.20.040 Paragraph F,4 and SLPC 16.36.010 Paragraph A | I |
| Bottling establishments | C |
| Brewing taprooms and cocktail rooms | P |
| Building material sales and storage | P |
| Camera and photographic supplies manufacturing | P |
| <u>Cannabis; state licensed businesses with no retail</u> | <u>P</u> |
| Cartage and freight terminals | C |
| Cartography, technical drawing or drafting and book binding | P |
| Cleaning and maintenance services; carpet, laundry, furniture, upholstery, appliances, and the like | C |
| Commercial dog kennel; with or without dwelling for night watchperson | C |
| Construction trades | P |
| Data center | P |
| Dry cleaning and laundry establishments | P |
| Electrical service shops | P |
| Engraving, printing, and publishing | P |
| Governmental and public utility buildings and structures | P |
| <u>Hemp manufacture</u> | <u>C</u> |
| Jewelry manufacture | P |
| Light manufacturing | P |
| Machine shop | P |
| Off-street parking and loading as regulated by SLPC 16.40.010 | A |
| Offices, office buildings | P |
| Packaging/processing food products | C |
| Parcel delivery services | P |
| Pharmaceutical/medical device manufacturing | P |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Product distribution center | P |
| Research and development; including laboratories | P |
| Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district | C |
| Signs as regulated by SLPC Ch.16 | A |
| Small wireless facility in right-of-way, as regulated in SLPC 12.48 | P |
| Storage, enclosed rental | C |
| Vehicle repair and maintenance, including vehicle wrapping, detailing and window treatment | C |
| Warehousing, wholesaling or distribution business | P |
| Woodworking shop | P |
| Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards | C |
| All uses customarily incident to the permitted (P), conditional (C) or interim (I) uses above | A |
| Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses | |

SECTION 13: **REPEAL SLPC 11.50.** The City Council does hereby repeal SLPC 11.50 in its entirety.

SECTION 14: **EFFECTIVE DATE.** This Ordinance shall be in full force and effect up approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

| | AYE | NAY | ABSENT | ABSTAIN |
|---------------------------------|------------|------------|---------------|----------------|
| Councilmember Wendling | _____ | _____ | _____ | _____ |
| Councilmember Goodboe-Bisschoff | _____ | _____ | _____ | _____ |
| Councilmember Dircks | _____ | _____ | _____ | _____ |
| Councilmember Moran | _____ | _____ | _____ | _____ |
| Mayor Nelson | _____ | _____ | _____ | _____ |

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer, Spring Lake Park