

ORDINANCE NO. 94, FOURTH SERIES

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE, 2014 EDITION, AS PROVIDED IN §14.03 OF THE
REDWOOD FALLS CITY CODE, FOR THE PURPOSE OF REGULATING
CANNABIS BUSINESSES**

THE CITY COUNCIL OF REDWOOD FALLS DOES ORDAIN:

SECTION 1. PURPOSE.

WHEREAS, pursuant to State Statute §462.357 which enables cities to enact land use plans through zoning ordinances, a certain document, one (1) copy of which is on file in the office of the City Administrator of the City of Redwood Falls, being marked and designated as the Unified Development Ordinance, 2014 Edition, was adopted, after public hearing, as the Unified Development Ordinance of the City of Redwood Falls, State of Minnesota by Ordinance No. 44, Fourth Series, on November 7, 2014 by the City Council of Redwood Falls. The Unified Development Ordinance of the City of Redwood Falls, State of Minnesota, was adopted for regulating and governing zoning ordinances for the purpose of promoting public health, safety and the general welfare; for the future layout and landscape of the City for years to come; for the development or preservation of open space; for the redevelopment and revival of existing properties; and to develop future plans for harmonious and healthy land use patterns that are consistent with the goals of the City's Comprehensive Plan; and

WHEREAS, after public hearing, Ordinance No. 90, Fourth Series, adopted on May 21, 2024, adopted the Unified Development Ordinance, 2014 Edition, of the City of Redwood Falls with amendments to sections 7.18, 7.20, and 7.24, modifying, zoning, performance standards, and use designations for pools, residential accessory structures, and solar energy systems; and

WHEREAS, the Unified Development Ordinance, 2014 Edition, shall continue and remain adopted as the Unified Development Ordinance of the City of Redwood Falls, State of Minnesota. The Unified Development Ordinance, 2014 Edition, shall remain on file in the office of the City Administrator of the City of Redwood Falls, is hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance with amendments as noted below; and

WHEREAS, the Council finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Redwood Falls, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good; and

WHEREAS, The City of Redwood Falls has the authority to adopt this ordinance pursuant to 1) Minn. Stat. 342.13(c), allowing a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; and 2) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

SECTION 2. That after a public hearing and review of all the evidence pertaining to the request to amend the Unified Development Ordinance, 2014 Edition, as referenced in Section 7, the City Council of the City of Redwood Falls makes the following:

FINDINGS OF FACT

1. The amendments are consistent with the applicable policies of the City's Comprehensive and Land Use Plan.
2. The amendments do not purpose to change the zoning classification of a particular property.
3. The amendments are in the best interest of the public as they promote orderly development and are not solely for the benefit of a single property owner.

SECTION 3. CONFLICT AND REPEAL. That any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Redwood Falls City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. APPLICATION. That nothing in this ordinance or in the Unified Development Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That Chapter 14, Section 14.01 of the Redwood Falls City Code continue to read as follows:

"SEC. 14.01. UNIFIED DEVELOPMENT ORDINANCE. The Unified Development Ordinance, 2014 Edition, is hereby adopted by reference as though set forth verbatim herein. One copy of said Code shall be marked CITY OF REDWOOD FALLS-OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public."

SECTION 7. That Chapter 14, §14.03 of the Redwood Falls City Code be amended to read as follows:

~~SEC. 14.03 [RESERVED]~~

"SEC. 14.03. AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. *The Unified Development Ordinance, 2014 Edition, as adopted on November 7, 2014, April 6, 2021, and May 21, 2024, by reference as though set forth verbatim in §14.01 and §14.02, is hereby amended to read as follows:*

1. Chapter 17 CANNABIS BUSINESSES

ARTICLE 1. GENERAL PROVISIONS

17.01 Purpose

This chapter is established for the purpose of implementing the provisions of Minnesota Statutes, Chapter 342, which authorizes the Redwood Falls City Council to protect the public health, safety, welfare of Redwood Falls residents by regulating cannabis businesses within the legal boundaries of the City of Redwood Falls through the use of zoning requirements, and land use designations and restrictions.

17.02 Definitions

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

- (A) The term "Cannabis Business" means a business as defined in Minn. Stat. 342.01, as amended from time to time.
- (B) The term "Cannabis Cultivation" means 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.
- (C) The term "Cannabis Retail Business" means 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.
- (D) The term "Cannabis Retailer" means 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.

- (E) The term “Indoor Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts within an indoor facility.
- (F) The term “Lower-Potency Hemp Edible” has the meaning as defined under Minn. Stat. 342.01, subd. 50, as amended from time to time.
- (G) The term “Lower-Potency Hemp Edible Retailer” means any place of business with a preapproved state license, license, or endorsement to sell lower-potency hemp edible products to the public from the Office of Cannabis Management and/or any place of business holding a valid pre-existing state registration as a hemp-derived cannabinoid business authorizing the sale of hemp-derived cannabinoid products directly to consumers.
- (H) The term “Office of Cannabis Management” means the Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
- (I) The term “Outdoor Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts at an outdoor location.
- (J) The term “Retail Registration” means an approved registration issued by Redwood County to a state-licensed cannabis retail business.
- (K) The term “State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.
- (L) The term “Volatile Solvent” means 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.

ARTICLE 2. REQUIREMENTS

17.03 Zoning and Land Use

- (A) *Cultivation.* Cannabis businesses licensed or endorsed for cultivation are allowed as a permitted use in the listed zoning districts as follows:
 - (1) *Indoor Cultivation:* I-1 Limited Industrial;
I-2 General Industrial; and
B-3 Auto-Oriented.
 - (2) *Outdoor Cultivation:* I-1 Limited Industrial; and
R-R Rural Residential.

* Outdoor cultivation of up to 2 acres of mature flowering plants is allowed as a permitted use in the R-R zoning district, provided there is a minimum of five (5) acres of continuous land and all setbacks and conditions within the Redwood Falls Unified Development Ordinance are met.

- (B) *Cannabis Manufacturer.* Cannabis businesses licensed or endorsed for cannabis manufacturer are allowed as a permitted use in the following zoning districts:
 - (1) I-1 Limited Industrial;
 - (2) I-2 General Industrial; and
 - (3) B-3 Auto-Oriented.

- (C) *Hemp Manufacturer.* Businesses licensed or endorsed for low-potency hemp edible manufacturers are allowed as a permitted use in the following zoning districts:
 - (1) I-1 Limited Industrial;
 - (2) I-2 General Industrial; and
 - (3) B-3 Auto-Oriented.

- (D) *Wholesale.* Cannabis businesses licensed or endorsed for wholesale are allowed as permitted use in the following zoning districts:
 - (1) I-1 Limited Industrial;
 - (2) I-2 General Industrial; and
 - (3) B-3 Auto-Oriented.

- (E) *Cannabis Retail.* Cannabis businesses licensed or endorsed for cannabis retail are allowed as a permitted use in the following zoning districts:
 - (1) I-1 Limited Industrial;
 - (2) B-2 Limited Community Retail;
 - (3) B-3 Auto Oriented; and
 - (4) B-4 Central Business District.

* Lower-Potency Hemp Edible Retailers holding a valid preapproved state license, license or endorsement, or a registration as a hemp-derived cannabinoid business prior to the effective date of this ordinance shall be considered a legal nonconforming use within zoning districts not listed in this paragraph and may continue operating as Lower-Potency Hemp Edible Retailer and/or hemp-derived cannabinoid business so long as the retailer's state license and/or registration remains valid and is not discontinued for more than one year. A retailer that meets the requirements of this exemption may not expand the nonconforming use by applying for or obtaining any other state license, endorsement, or registration that would authorize the cultivation, manufacture, or sale of cannabis plants, cannabis flower, or other cannabis products.

- (F) *Cannabis Transportation.* Cannabis businesses licensed or endorsed for transportation are allowed as a permitted use in the following zoning districts:
- (1) I-1 Limited Industrial;
 - (2) I-2 General Industrial; and
 - (3) B-3 Auto-Oriented.
- (G) *Cannabis Delivery.* Cannabis businesses licensed or endorsed for delivery are allowed as a permitted use in the following zoning districts:
- (1) I-1 Limited Industrial;
 - (2) B-2 Limited Community Retail;
 - (3) B-3 Auto-Oriented; and
 - (4) B-4 Central Business District.

17.04 Advertising

- (A) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building and/or on the property of the business in accordance with Chapter 10 of the Redwood Falls Unified Development Ordinance, unless otherwise limited or prohibited by Minnesota Statute.
- (B) Cannabis businesses shall comply with all advertisement requirements in Minn. Stat. 342.64, as amended from time to time.

17.05 Performance Standards

- (A) *Security.* Pursuant to Minn. Stat. 342.27, subd. 9, cannabis businesses shall at all times maintain compliance with security requirements established by OCM, including but not limited to requirements for maintaining video surveillance records, using specific locking mechanisms, establishing secure entries, and the number of employees working at all times.
- (B) *Shared Use.* A cannabis business is prohibited from sharing a common entrance or a premises with a business licensed as a tobacco products shop. This prohibition does not include Lower-Potency Hemp Edible Retailers.
- (C) *Nuisance.* Odors, noise, vibration, glare and other potential side effects of cannabis manufacturing or cultivation processes shall not be discernable beyond the property line. Except in the I-1 and I-2 zoning districts, the use of volatile solvents for cannabinoid extractions is prohibited.

SECTION 8. EFFECTIVE DATE. That this Ordinance becomes effective from and after its passage and publication of its adoption and reference that a printed copy of the Unified Development Ordinance is available for inspection by any person during regular office hours at the office of the City Administrator.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this 2nd day of January, 2025.

ATTEST:



Keith Muetzel
City Administrator



Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
2nd day of January 2025.



Notary Public

Introduction: 12/17/2024
Posting: 12/19/2024
Adopted: 01/02/2025
Approval Published: 01/09/2025

