

BILL NO. 2024-12

AN ORDINANCE AMENDMENT MODIFYING VARIOUS SECTIONS  
OF THE ZONING CODE IN RELATION TO BREWERIES AND CANNABIS

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 507.07 of the Richfield Zoning Code (Definitions) is amended as follows, with all following subdivisions renumbered accordingly:

Subd. 11 "Brewer." A person who ~~manufactures~~ produces malt liquor for sale. (Added, Bill No. 2015-15, Amended Bill No. 2024-12).

Subd. 17. "Cannabis Business." Holds the same definition as Minnesota Statutes, section 342.01.

Subd. 18 "Cannabis Retail Business." The retail operations of the following cannabis businesses: cannabis retailer, cannabis microbusiness, cannabis mezzobusiness, cannabis medical combination business, marijuana (medical) dispensaries, and marijuana (recreational) sales outlets, all of which have obtained the corresponding license or endorsement from the Office of Cannabis Management and registration from the City to sell authorized products to the public as provided in Minnesota Statutes, Chapter 342.

Subd. 19 "Cannabis Non-Retail Business." The operations, excluding the retail operations as defined in Cannabis Retail Business, of the following cannabis businesses: cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis testing facility, lower-potency hemp edible manufacturer, medical cannabis combination business, and marijuana production/processing all of which have obtained the corresponding license or endorsement from the Office of Cannabis Management, as provided in MN Statutes Chapter 342.

Subd. 20 "Cannabis Event Organizer." A cannabis business that has obtained a Cannabis Event Organizer license from the OCM to perform the activities of a Cannabis Event Organizer as provided in Minnesota Statutes, Chapter 342.

Subd. 21 "Cannabis Delivery Service." A cannabis business that has obtained a Cannabis Delivery Service license from the OCM to perform the activities of a Cannabis Delivery Service as provided in Minnesota Statutes, Chapter 342. (Added Bill No. 2024-12).

Subd. 66. "Light manufacturing." A use engaged in the manufacturing of finished products or parts, predominantly from previously prepared materials. Cannabis manufacturers are not considered light manufacturing. Lower-potency hemp edible manufacturers are not considered light manufacturing unless collocated with a taproom, cocktail room or brewpub. (Amended Bill No. 2024-12).

Subd. 83. "Micro-brewery." A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal

licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year. A micro-brewery ~~may~~ must include a taproom or brewpub. (Added, Bill No. 2015-15, Amended Bill No. 2024-12).

Subd. 84. "Micro-distillery." A facility that produces Ethyl Alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A distillery ~~may~~ must include a cocktail room. (Added, Bill No. 2015-15, Amended Bill No. 2024-12).

Subd. 103 "Residential Treatment Facility". As defined under MN Statutes, Section 245.462. Subd. 23

Subd. 112 "School". A public school, as defined in State Statutes section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church or religious organization, in which a child is provided instruction in compliance with Minnesota Statutes, section 120A.22 and Minnesota Statutes, section 120A.24. "School" does not include a home school.

Section 2      Subsection 509.21 of the Richfield Zoning Code (Home Occupations), Subd.5 is amended, to read as follows:

Subd. 5. Activities. A home occupation must be conducted in such a manner that activities connected with it are not noticeable from adjacent streets or residential lots, and except as permitted in Subd. 6 below, do not draw attention to the home occupation. All activities related to a home occupation must be conducted within a fully enclosed building. The growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately. Food or ornamental crops may only be made available for on-site pick-up, provided that they are grown on-site, if they are distributed through a Community Supported Agriculture (CSA) model. For purposes of this subdivision, the cannabis plant and hemp plant, as defined in Minnesota Statutes, section 342.01 are not a food or ornamental crop. (Amended Bill No2024-12).

Section 3      Subsection 509.21, subd. 11 of the Richfield Zoning Code, relating to home occupations, is amended as follows:

Subd. 11. Specific activities prohibited. The following activities shall not be allowed as home occupations:

- a) thru g) no change
- h)      Tattoo businesses; ~~and~~
- i)      Sale of honey produced by hives located within the city regulated under section 906 of the City Code-; and
- j)      Cannabis Businesses. (Amended Bill No. 2024-12).

Section 4 Subsection 512.07 of the Richfield Zoning Code (Uses in Commercial Districts) is amended to read as follows (entire table not included):

**512.07. - Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts.**

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Commercial Districts. Refer to Sections 529 through 534 for complete regulations. (Amended, Bill No. 2011-19 and 2024-12).

P: Permitted  
A: Accessory  
C: Conditional  
N: Null or not Permitted

Land Use	S-O	C-1	C-2
<u>Cannabis Delivery Service, when subordinate to, under common ownership of, and colocated with a Cannabis Retail Business.</u>	<u>N</u>	<u>N</u>	<u>A</u>
<u>Cannabis Event Organizer (office only)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cannabis Retail Business</u>	<u>N</u>	<u>N</u>	<u>P</u>
<del>Marijuana (medical) dispensaries</del>	<del>N</del>	<del>N</del>	<del>C</del>
<del>Marijuana (recreational) sales outlets</del>	<del>N</del>	<del>N</del>	<del>N</del>
<del>Taxi or limousine service</del>	<del>N</del>	<del>N</del>	<del>P</del>

Section 5 Subsection 512.09 of the Richfield Zoning Code (Uses in Mixed Use Districts) is amended as follows (entire table not included):

**512.09. - Permitted, Conditional, Accessory and Prohibited Uses in Mixed-Use Districts.**

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Mixed-Use Districts. Refer to Section 537 for complete regulations.

P: Permitted  
A: Accessory  
C: Conditional  
N: Null or not Permitted

Land Use	MU-N	MU-C	MU-R
Commercial, Institutional and Public			
<u>Cannabis Delivery Service when subordinate to, under common ownership of, and collocated with a Cannabis Retail Business.</u>	<u>N</u>	<u>A</u>	<u>A</u>
<u>Cannabis Event Organizer (office only)</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cannabis Retail Business</u>	<u>N</u>	<u>P</u>	<u>P</u>
<del>Marijuana (medical) dispensaries</del>	<del>N</del>	<del>N</del>	<del>N</del>
<del>Marijuana (recreational) sales outlets</del>	<del>N</del>	<del>N</del>	<del>N</del>

(Amended Bill No. 2024- )

Section 6 Subsection 512.11 of the Richfield Zoning Code (Uses in Industrial Districts) is amended as follows (entire table not included):

**512.11. - Permitted, Conditional, Accessory and Prohibited Uses in the Industrial District.**

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Industrial District. Refer to Section for complete regulations.

P: Permitted  
A: Accessory  
C: Conditional  
N: Null or Not Permitted

Land Use	
<u>Cannabis Non-Retail Businesses</u>	<u>C</u>
<del>Marijuana production/processing</del>	<del>N</del>

(Amended Bill No. 2024-12)

Section 7 Subsection 529.03 is amended to add the following new subdivision related to permitted uses in the S-O (Service Office) district:

Subd. 9 See also 512.07

Section 8 Subsection 532.03 is amended to add the following new subdivision related to permitted uses in the C-1 (Neighborhood Business) district:

Subd. 9 See also 517. 07

Section 9 Subsection 534.03 is amended to add the following new subdivisions related to permitted uses in the C-2 (General Business) district:

Subd.10 Cannabis Retail Businesses, subject to the following locational restrictions:

- a) Along arterial streets only;
- b) At least 500 feet from any school;
- c) At least 250 feet from any residential treatment facility;
- d) At least 250 feet from an attraction within a public park that is regularly used by minors, which are depicted on the "Attractions within Public Park Buffers" map on file with the Community Development Department;
- e) At least 1,000 feet from each other.

Subd. 11. Whether the distance requirements in Subdivision 10 have been met will be established when the City issues a certification, pursuant to City Code, section \_\_\_\_\_. A Cannabis Retail Business subject to subdivision 10 will not be prohibited from continuing to operate at the same site if subsequently a school, residential treatment facility, or attraction within a public park regularly used by minors is established with the identified distances, subject to 509.25, "Nonconformities".

Subd.12. See also Section 512.07.

(Amended Bill No2024-12).

Section 10 Subsection 534.05, (Accessory Uses) of the Richfield Zoning Code is amended to add the following new subdivision, related to accessory uses in the C-2 (General Business):

Subd.8. A Cannabis Delivery Service as an accessory use to a Cannabis Retail Business, provided that one stall per delivery vehicle is added to the parking requirement or that delivery vehicles do not occupy parking required to meet code. (Amended Bill No. 2024-12).

Section 11 Subsection 534.07, (Conditional Uses) of the Richfield Zoning Code, Subd.26, is deleted in its entirety, with all following subdivisions renumbered accordingly:

**Subd. 26.** Medical marijuana dispensaries, provided the following conditions are met:

- ~~a) The business operator shall secure all applicable licenses and approvals from the City, County, State or other applicable jurisdictions before the conditional use permit shall become effective;~~
- ~~b) Such uses shall not be located within 1,000 feet of a public or private school;~~
- ~~c) Such uses shall not be located within 1,000 feet of another medical marijuana dispensary; and~~

d) ~~Such uses shall not be located within 250 feet of residential property. (Added, Bill No. 2015-5)~~

Section 12 Subsection 537.03 of the Richfield Zoning Code (Mixed Use Districts) is amended as follows (entire table not included):

P= permitted use  
A= accessory use  
C= conditionally permitted  
N= not permitted

Use	MU-N	MU-C	MU-R
<b>Commercial, Institutional and Public</b>			
<u>Cannabis Delivery Service, subordinate to a Cannabis Retail Business, provided that delivery vehicles do not occupy parking required to meet code.</u>	<u>N</u>	<u>A</u>	<u>A</u>
<u>Cannabis Event Organizer</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cannabis Retail Business</u>	<u>N</u>	<u>P</u>	<u>P</u>
<del>Marijuana (medical) dispensaries</del>	<del>N</del>	<del>N</del>	<del>N</del>
<del>Marijuana (recreational) sales outlets</del>	<del>N</del>	<del>N</del>	<del>N</del>

(Amended Bill No. 2024- )

Section 13 Subsection 539.07(Conditional Uses) of the Richfield Zoning Code, is amended as follows to correct a typographical error in Subd. 3, and to add a new Subd.5 listing certain Cannabis business as conditional uses in the I (Industrial) district:

Subd. 3 Those uses outlined in Section 534.07, Subdivisions 4 through ~~239~~ 26 of this Code, subject to the same conditions.

Subd. 5 Cannabis Non-Retail Businesses, except transporters, provided the following conditions are met:

- Business operations must be completely interior to a building.
- Cannabis cultivators and manufacturers abutting or adjacent to existing residential properties shall meet odor control requirements and not cause an odiferous nuisance.
- The approved security plan is provided to the Police Department.
- The site shall meet the standards set in Section 544.09, including exterior lighting, unless superseded by state statute.
- The business shall comply with the water, energy, and solid waste standards set by the Office of Cannabis Management rules.

(Amended Bill No2024-12).

Section 14 Subsection 549.23 (Permitted Signs by District) of the Richfield Zoning Code, Subd. 2 is amended as follows:

**Subd. 2. Commercial, Mixed-Use Neighborhood, Mixed-Use Community, Mixed-Use Regional, and Industrial Districts.**

- a) Within commercial, planned mixed use, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, one (1) freestanding sign per site is permitted as follows<sup>1</sup> :

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
SO, C-1, MU-N	60 square feet per surface	15 feet	1 square <del>feet</del> <u>foot</u> per <u>linear</u> foot of lot frontage
C-2, MU-C, PMU Sites <1 acre	100 square feet per surface	20 feet <sup>2</sup>	1 square <del>feet</del> <u>foot</u> per <u>linear</u> foot of lot frontage
C-2, MU-C, PMU Sites 1-2 acres	150 square feet per surface	20 feet <sup>2</sup>	1 square <del>feet</del> <u>foot</u> per <u>linear</u> foot of lot frontage
C-2, MU-C, PMU Sites >2 acres	200 square feet per surface	20 feet <sup>2</sup>	1 square <del>feet</del> <u>foot</u> per <u>linear</u> foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	1 square <del>feet</del> <u>foot</u> per <u>linear</u> foot of lot frontage

<sup>1</sup> Additional freestanding signs on a site shall not exceed 8 feet in height and 50 square feet in area. Planned Unit Development sites greater than 2 acres may request additional signs exceeding 8 feet in height and 50 square feet in area.

<sup>2</sup> On properties abutting an interstate or state highway or the adjacent frontage road, one freestanding sign with a maximum height of 27 feet may be located within 100 feet of the lot line abutting the highway or frontage road.

- b) thru e) no change

- f) Cannabis businesses shall also comply with applicable advertisement limitations imposed by Minnesota Statutes, section 342.64, as amended (Amended Bill No. 2024-12).

Section 15 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota, this 22<sup>nd</sup> day of October 2024.

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Mary B. Supple, Mayor

ATTEST:

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Michelle Friedrich, City Clerk