

- **Planning Case #23-014** – Public Hearing Required
- **Applicant:** City of Arden Hills
- **Request:** Zoning Code Amendment – Chapter 13, Sale of Lower-Potency Hemp Edibles



## *Council to Consider*

- Adoption of Ordinance 2023-009 for Planning Case 23-014 for Zoning Code Amendments to Chapter 13, Section 1305.04 Zoning Code Definitions, Section 1320.05 Land Use Chart in the B-2, B-3, B-4, and GB Zoning Districts, and Section 1325.02 Accessory Uses to establish requirements and criteria for Lower-Potency Hemp Edible Sales as a conditional accessory use.
- Authorization to publish a Summary Ordinance of 2023-009 for Planning Case 23-014.

# *Overview of Ordinance Amendments*

- Section 1305.04, Zoning Code Definitions
- Section 1320.05, Land Use Chart in the B-2, B-3, B-4, and GB Zoning Districts
- Section 1325.02, Accessory Uses
- Proposed amendments including recommendations of the Planning Commission will:
  - Add a new land use type for the sale of lower-potency hemp edibles
  - Allow as a conditional accessory use only to businesses with a principal Retail Sales and Service, Restaurant, or Service Station land use in the B-2, B-3, B-4, and GB Zoning Districts
  - Prohibit standalone shops exclusively selling lower-potency products
  - Require any business interested in selling lower-potency products to come before the Planning Commission and City Council for a Conditional Use Permit
  - Require separation of operations from schools, day cares, residential treatment facilities, and public parks as allowed by State Statute

# Overview of Ordinance Amendments

1. Add definitions relevant to the Sale of Lower-Potency Hemp Edibles
  - a) Hemp Concentrate
  - b) Hemp-Derived Consumer Product
  - c) Hemp Plant
  - d) Lower-Potency Hemp Edible
  - e) Lower-Potency Hemp Edible Sales
  - f) Nonintoxicating Cannabinoid
  
2. Land Use Chart within Section 1320.05 would be amended to include Lower-Potency Hemp Edible Sales:
  - a) Add a land use category for Lower-Potency Hemp Edible Sales as a Conditional and Accessory Use under the B-2, B-3, B-4, and GB Zoning Districts.

1320.05 Land Use Chart (revised 08/28/23)

Uses	Zoning Districts																	
	R-1	R-2	R-3	R-4	NB	B-1	B-2	B-3	B-4	CC	GB	J-1	J-2	HRM	CD	POS	IND	
Antenna, Dish or Tower	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA
Boarding house	C	C	C	C	---	---	---	---	---	C	---	---	---	---	---	---	---	---
Brewpub	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---
Business service	---	---	---	---	---	A	P	P	P	C	P	P	P	P	---	---	---	---
Clinic, medical office	---	---	---	---	---	P	P	P	P	C	P	P	P	P	---	---	---	---
Club or lodge (non-profit)	---	---	---	---	---	P	P	P	---	C	---	---	---	---	---	---	---	---
Club, sports & fitness	---	---	---	---	---	A	P	P	P	C	P	P	---	P	---	---	---	---
Commercial recreation - indoor	---	---	---	---	---	---	P	P	P	---	---	P	---	---	---	---	---	---
Commercial recreation - outdoor	---	---	---	---	---	---	A	---	---	---	---	---	---	---	---	---	---	---
Day care facility, over 10	---	---	---	---	---	P	P	P	P	---	P	P	P	P	---	---	---	---
Day care, family - 10 or less	A	A	A	A	A	---	---	---	---	---	---	---	---	---	---	---	---	---
Day care, group family - 14 or less	CA	CA	CA	CA	CA	CA	---	---	---	---	---	---	---	---	---	---	---	---
Dog kennel	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---
Dog run	A	A	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Drive-up windows	---	---	---	---	---	---	C	C	C	---	A	---	---	---	---	---	---	---
"Dry cleaning & laundry, pick-up station"	---	---	---	---	---	C	---	A	A	---	A	---	---	---	---	---	---	---
"Dry cleaning & laundry, self-service laundry"	---	---	---	---	---	C	---	C	C	---	---	---	---	---	---	---	---	---
Dwelling, density zoning	D	D	D	D	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Dwelling, multiple family	---	---	C	C	C	---	C	---	---	C	C	---	---	---	---	---	---	---
Dwelling, single-family attached	C	C	D	D	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Dwelling, single-family detached	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Dwelling, two-family	C	C	P	P	C	---	---	---	---	---	---	---	---	---	---	---	---	---
Dwelling, live-work unit	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---
Financial institution & service	---	---	---	---	---	P	P	P	P	C	P	P	P	P	---	---	---	---
Garage, truck	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---
Higher Education, Campus	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C
Home occupation - Class I	A	A	A	A	A	---	---	---	---	A	---	---	---	---	---	---	---	---
Home occupation - Class II	CA	CA	CA	CA	CA	---	---	---	---	C	---	---	---	---	---	---	---	---
Hospital	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Hotel/motel	---	---	---	---	---	---	C	P	C	C	C	---	---	---	C	---	---	---
House of worship	C	C	C	C	C	C	C	C	C	C	C	---	---	---	---	---	---	---
Lower-Potency Hemp Edible Sales	---	---	---	---	---	---	CA	CA	CA	---	CA	---	---	---	---	---	---	---
Manufactured home park	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Manufacturing & processing - Class I	---	---	---	---	---	---	A	A	A	---	P	P	P	P	---	---	---	---
Manufacturing & processing - Class II	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Micro brewery	---	---	---	---	---	---	C	C	C	---	C	---	---	C	---	---	---	---
Micro distillery	---	---	---	---	---	---	C	C	C	---	C	---	---	C	---	---	---	---

# Overview of Ordinance Amendments

## 3. Amend Section 1325.02, Accessory Uses

- a) Create a new Subdivision 6 that establishes the requirements and criteria for Lower-Potency Hemp Edible Sales as an accessory use on a property where the principal use is Retail Sales & Service, Restaurant, or Service Station.

Proposed language:

- Lower-Potency Hemp Edible Sales shall be a Conditional Accessory use only permitted in the B-2 General Business, B-3 Service Business, B-4 Retail Business, and GB Gateway Business Zoning Districts.
- Applicants for Conditional Accessory Lower-Potency Hemp Edible Sales shall follow the conditional use permit procedures prescribed in Section 1355.04, Subd. 3, and Appendix A, Procedure Manual. The City shall review a site plan and specifics of the proposed lower-potency hemp edibles business and may issue the permit subject to, but not limited to, the following requirements:
  1. Lower-potency hemp edible sales shall only be permitted as an accessory use on a Subject Property where the principal use is Retail Sales & Service, Restaurant, or Service Station, and when such accessory use is clearly incidental to the principal use.
  2. The Subject Property shall not be located within 1,000 feet of any school.
  3. The Subject Property shall not be located within 500 feet of any property providing day care or residential treatment services, or an attraction within a public park that is regularly used by minors including a playground or athletic field.
  4. No lower-potency hemp edible sales shall occur between the hours of 10:00 p.m. and 8:00 a.m. the following day.

## *Findings of Fact*

1. The City of Arden Hills is proposing to amend ordinance language to allow for lower-potency hemp edible sales in the zoning code as a conditional accessory use within the b-2, B-3, B-4, and GB Zoning Districts.
2. The proposed ordinance will include amendments to the language of Chapter 13 – Zoning Code, Sections 1305.04 - Definitions, 1320.05 – Land Use Chart, and 1325.02 – Accessory Uses of the City Code.
3. The proposed ordinance amendments will allow lower-potency hemp edible sales as a conditional accessory use where the principal use is Retail Sales & Service, Restaurant, or Service Station.
4. The proposed ordinance amendments are consistent with State law for the City’s authority to regulating the sale of lower-potency hemp edibles under the zoning code.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
6. If the zoning amendments were approved, an Applicant would be required to submit a land use application that would be subject to the formal review process.
7. The Planning Commission conducted a public hearing for the Text Amendment on August 9, 2023.

## *Motion Language Options – Text Amendment PC 23-014*

- Approval: Motion to adopt Ordinance 23-009 for Planning Case 23-014 for a Zoning Code Amendments to Chapter 13 of the Arden Hills City Code to allow the Sale of Lower-Potency Hemp Edibles as a Conditional Accessory Use in the B-2, B-3, B-4, and GB Zoning Districts, based on the findings of fact and as presented in the August 28, 2023 Report to the City Council.
- Approval with Amendments: Motion to adopt Ordinance 23-009 for Planning Case 23-014 for a Zoning Code Amendments to Chapter 13 of the Arden Hills City Code to allow the Sale of Lower-Potency Hemp Edibles as a Conditional Accessory Use in the B-2, B-3, B-4, and GB Zoning Districts, based on the findings of fact and August 28, 2023 Report to the City Council with amendments: a specific reason should be included with all amendments.
- Denial: Motion to deny Planning Case 23-014 for a Zoning Code Amendments to Chapter 13 of the Arden Hills City Code to allow the Sale of Lower-Potency Hemp Edibles as a Conditional Accessory Use in the B-2, B-3, B-4, and GB Zoning Districts, based on the following findings: findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.
- Table: Motion to table Planning Case 23-014 for a Zoning Code Amendments to Chapter 13 of the Arden Hills City Code to allow the Sale of Lower-Potency Hemp Edibles as a Conditional Accessory Use in the B-2, B-3, B-4, and GB Zoning Districts: a specific reason and information request should be included with a motion to table.

# *Motion Language Options – Authorization to Public Summary Ordinance*

- Approval as Presented: Motion to *approve* authorization to publish a Summary Ordinance 2023-009 for Planning Case 23-014, Zoning Code Amendments to Chapter 13, Section 1305.04 Zoning Code Definitions, Section 1320.05 Land Use Chart in the B-2, B-3, B-4, and GB Zoning Districts, and Section 1325.02 Accessory Uses.
- Denial: Motion to *deny* authorization to publish a Summary Ordinance 2023-009 for Planning Case 23-014, Zoning Code Amendments to Chapter 13, Section 1305.04 Zoning Code Definitions, Section 1320.05 Land Use Chart in the B-2, B-3, B-4, and GB Zoning Districts, and Section 1325.02 Accessory Uses.
- Table: Motion to *table* authorization to publish a Summary Ordinance 2023-009 for Planning Case 23-014, Zoning Code Amendments to Chapter 13, Section 1305.04 Zoning Code Definitions, Section 1320.05 Land Use Chart in the B-2, B-3, B-4, and GB Zoning Districts, and Section 1325.02 Accessory Uses.



# Questions?

Planning Case 23-014 – Zoning Code Amendments – THC Lower-Potency Hemp Sales

