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MEMORANDUM

TO: City Residents, Mayor, City Council, Planning Commission
FROM: Peter Bode, Planner & Zoning Official
DATE: October 31, 2024
RE: **Background & Summary of Proposed Cannabis Zoning Regulations**

In 2023 and 2024 the Minnesota State Legislature established and updated Chapter 342 of State Statute legalizing the cultivation, manufacture, retail sale, and consumption of cannabis products across the state. The new cannabis law allows cities to regulate the time, place, and manner of these activities within reason but does not allow cities to prohibit cannabis products outright. The Office of Cannabis Management (OCM) was established by the law and is responsible for issuing cannabis licenses on a state level and providing model ordinances for cities to use locally.

The cannabis ordinance models given to us by OCM provide some flexibility for the City of Fairmont to fashion our own local ordinances around the needs of our community. On behalf of the Planning & Zoning Department, the Community Development Division, and City staff, I am excited to share a first draft of the zoning regulations we propose to keep the City in compliance with State Statute while also providing basic safeguards for our community. Under the law, the City will need to adopt our cannabis ordinances before January 1, 2025 – which is the day under the law the City must start accepting registrations for new cannabis businesses in our community.

I look forward to your comments on the first draft as we approach the Planning Commission and City Council approval process.

Summary

The first draft of the cannabis zoning ordinance would:

- Establish that the City recognizes its responsibility and authority to regulate cannabis uses under the law **(26-1000)**
- Provide buffer requirements, which are the required distances cannabis businesses must be located away from sensitive uses like schools, daycares, and the like **(26-1001)**
 - There is some flexibility in the buffer distances we can set. Proposed in this draft are generally 500 feet, which is about a city block and a half
- Provide an easy-to-reference table for business owners to determine which uses are permitted (requiring no Planning Commission or City Council approval, but still requiring zoning or building permits as needed) or conditional (requiring a Conditional Use Permit (CUP)) **(26-1002)**
 - Some uses have been identified as permitted because they fit closely to the noted zoning districts and should not need additional consideration or conditions
 - Uses which have been identified as conditional in their noted zoning districts have been because additional conditions should be considered to ensure compatibility with nearby uses
- Provide standards for CUPs to be granted in certain zoning districts including distance of outdoor cultivation from residences, control of odor, and adequate site security provisions **(26-1002.2)**
- Limit retail sales to the hours of 10:00 a.m. to 9:00 p.m. **(26-1003)**
- Prohibit the use or consumption of cannabis in public places or places of public accommodation **(26-1004)**