

Zoning for the Future

Open House on Draft Zoning for Adult-Focused Businesses

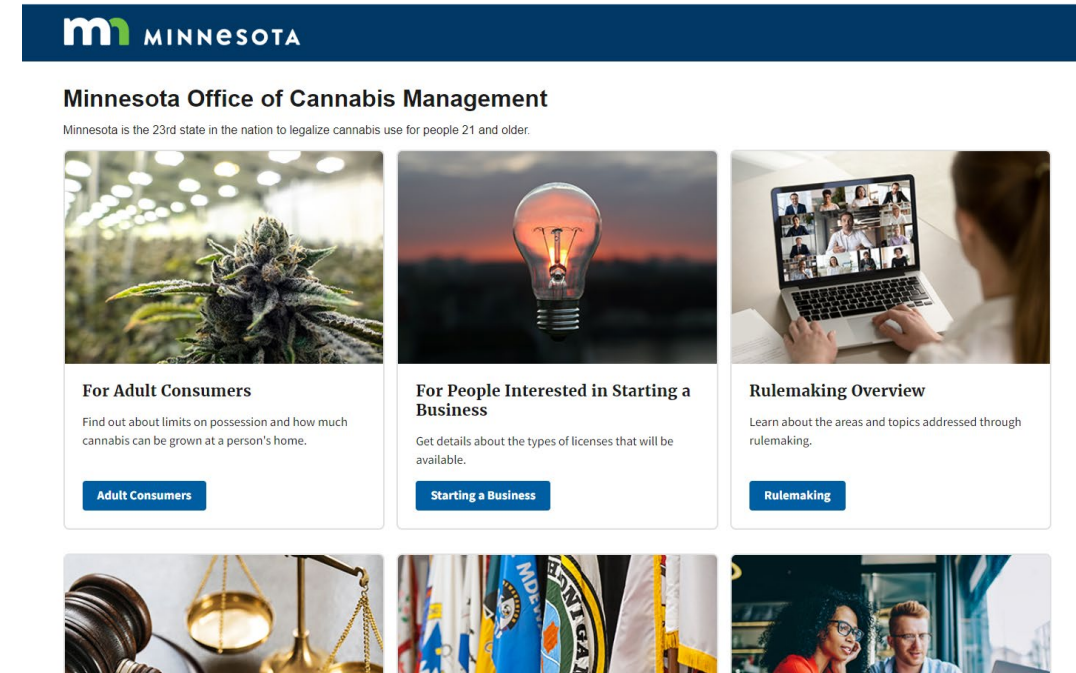
May 22, 2024

Building and Zoning Official Wayne Sorensen



Why are zoning changes proposed?

- State permitting new types of cannabis businesses
- Prompted question: How to equitably regulate cannabis and other adult-focused businesses?
 - Off-sale liquor
 - Tobacco
 - Sexually-oriented businesses
- Locations will affect Albert Lea for decades to come



The screenshot shows the Minnesota Office of Cannabis Management website. At the top is the Minnesota state logo with the text "m MINNESOTA". Below the logo is the title "Minnesota Office of Cannabis Management" and a subtitle "Minnesota is the 23rd state in the nation to legalize cannabis use for people 21 and older." The main content area features three columns of information:

- For Adult Consumers:** Includes a photo of cannabis plants. Text: "Find out about limits on possession and how much cannabis can be grown at a person's home." Button: "Adult Consumers".
- For People Interested in Starting a Business:** Includes a photo of a lit lightbulb. Text: "Get details about the types of licenses that will be available." Button: "Starting a Business".
- Rulemaking Overview:** Includes a photo of a person using a laptop with a video conference on the screen. Text: "Learn about the areas and topics addressed through rulemaking." Button: "Rulemaking".

At the bottom of the screenshot, there are three smaller images: a pair of scales of justice, the Minnesota state flag, and a group of people in a meeting.

What are proposed changes?

- Applies to **new** businesses
- Cannabis, off-sale liquor, tobacco and sexually-oriented businesses **prohibited** in:
 - Residential areas
 - Historic downtown
 - Area around downtown
 - Areas along interstates



What are proposed changes?

- Cannabis, off-sale liquor and tobacco businesses:
 - At least 1,000 feet from a school
 - At least 500 feet from
 - Daycare
 - Residential treatment facility
 - Attraction within a public park regularly used by minors
 - Includes playground or athletic field
 - Interstate right of ways
 - A like zoning use



What applies to cannabis specifically?

- No exterior cultivation anywhere within city limits
 - Except as allowed by State of Minnesota for personal use



What are proposed changes?

- Sexually-oriented businesses
 - At least 1,500 from interstate highway
 - At least 1,000 feet from a school
 - At least 500 feet from
 - Residential area
 - Park
 - Public theater
 - Shopping center
 - Airport
 - A like zoning use



What are proposed changes?

- Existing businesses can continue to operate in current locations
 - Based on current City of Albert Lea ordinance
- If new ordinance creates a non-conformity, then expanding in current locations prohibited
 - Current locations can repair, replace, but not expand

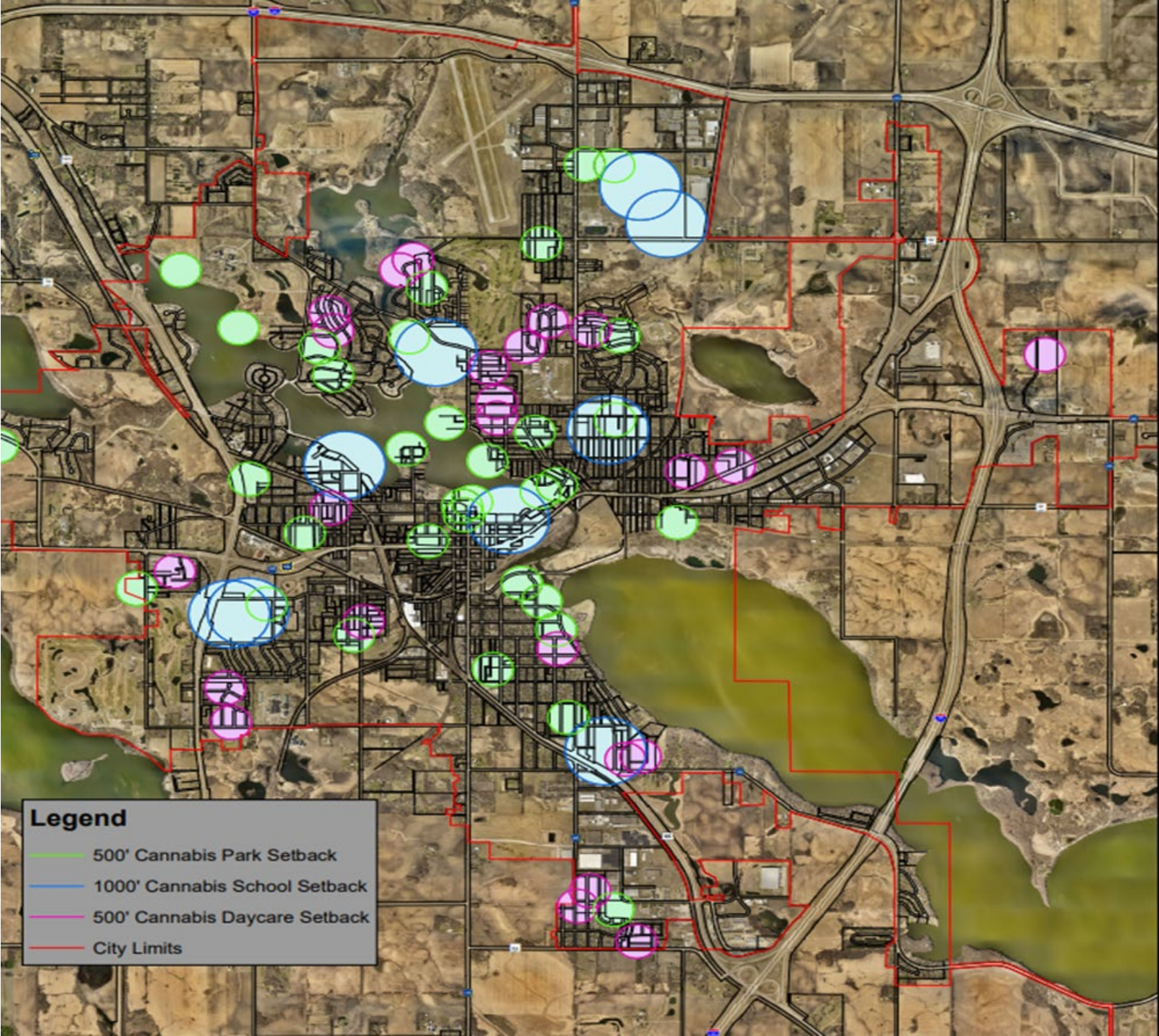
Who will decide?

- City Council makes final decisions based on:
 - Public input
 - Planning Commission recommendations
 - Minnesota Legislature actions
 - League of Minnesota Cities recommendations

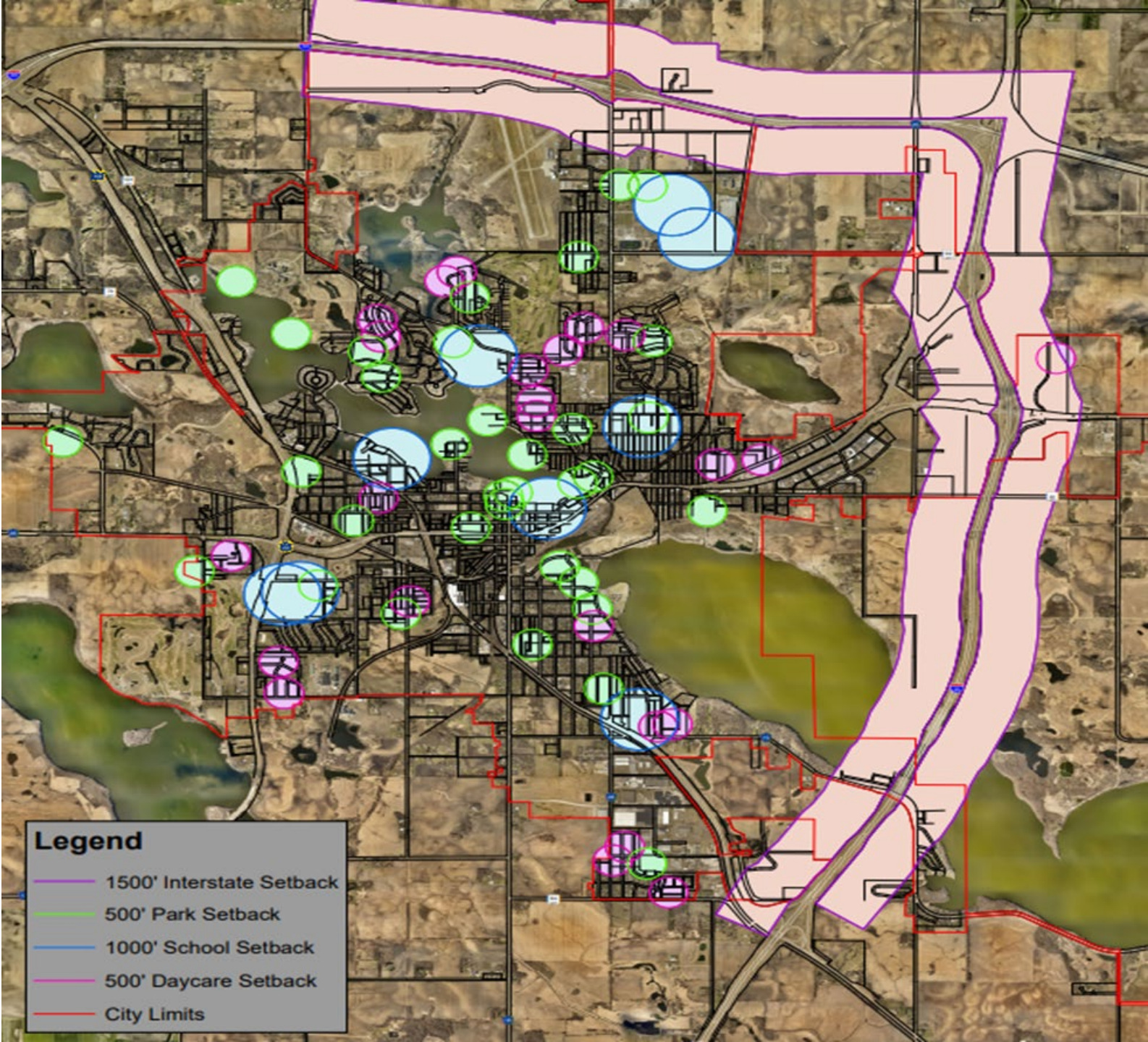
When will decision be made?

- Current moratorium on new applications for maximum of 6 months
- Planning Commission:
 - Review as early as June 4
 - Recommendation as early as July/August
- Then City Council for review as early as July/August

Setbacks for cannabis, off-sale liquor and tobacco



Setbacks for sexually-oriented businesses



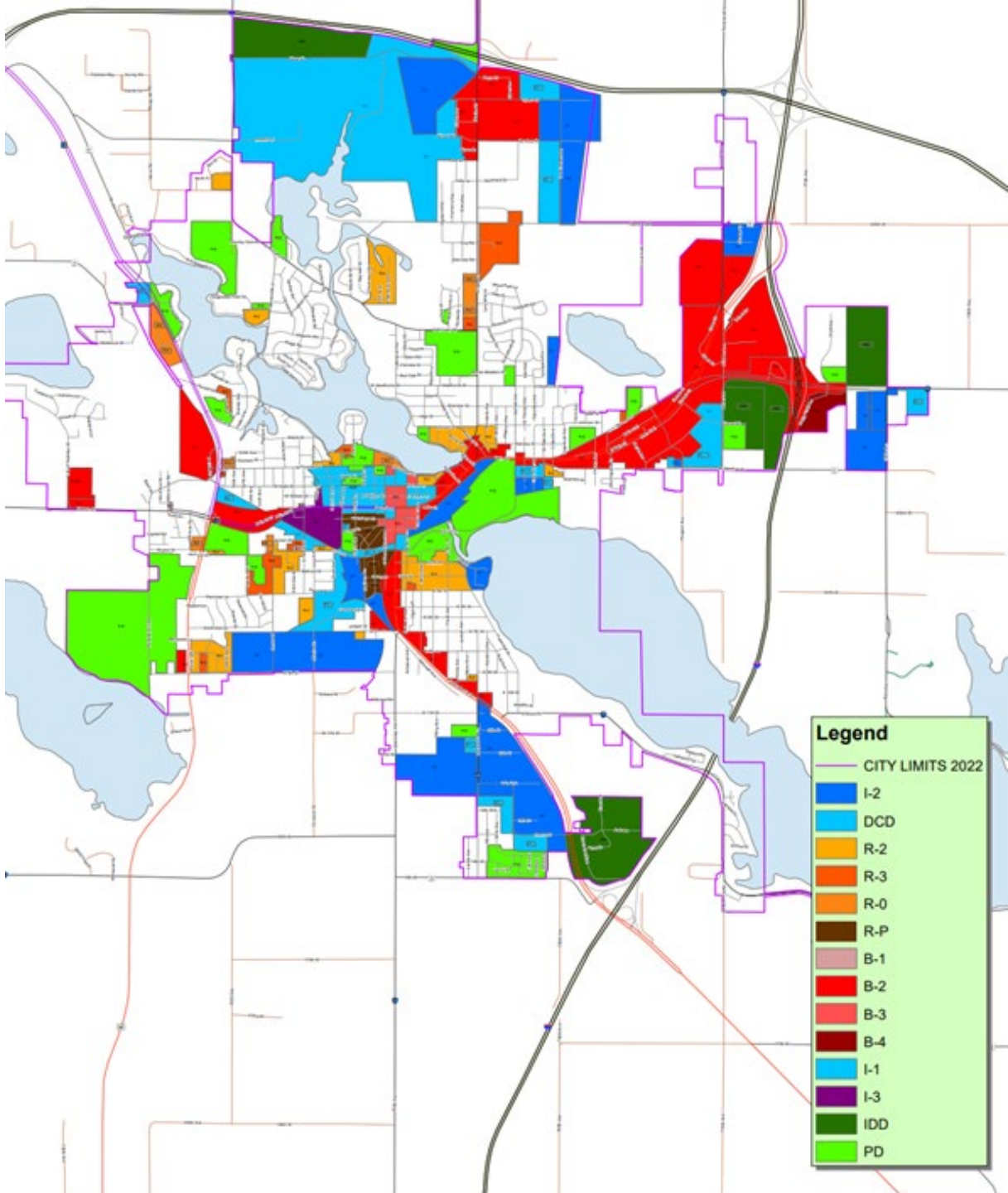
How does State define cannabis businesses?

Business type	Minnesota statute link
<u>Cannabis microbusiness</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.28
<u>Cannabis mezzobusiness</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.29
<u>Cannabis cultivator</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.30
<u>Cannabis manufacturer</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.31
<u>Cannabis retailer</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.32
<u>Cannabis wholesaler</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.33
<u>Cannabis transporter</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.36
<u>Cannabis testing facility</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.38
<u>Cannabis event organizer</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.39 and /342/full#stat.342.40
<u>Cannabis delivery service</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.41 and /342/full#stat.342.42
<u>Medical cannabis cultivator</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.49
<u>Medical cannabis processor</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.50
<u>Medical cannabis retailer</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.51
<u>Medical cannabis combination business</u>	www.revisor.mn.gov/statutes/cite/342/full#stat.342.515

What is the process for zoning analysis?

- Each zoning district has a **purpose** listed in the ordinance
- City experts analyze each type of **use** that is proposed
- City experts review existing entities to see if **use aligns with purpose**
- An expert opinion is then expressed as to which type of use may be appropriate for that zone
- A **conditional use** may be appropriate in some cases

City zoning districts



Where would cannabis businesses be allowed?

Zoning Districts

Cannabis Business Type	R-0	R-1	R-2	R-3	RP	B-1	B-2	B-3	B-4	IDD	I-1	I-2	I-3	DCD
Any business exterior cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Micro (5,000 square feet)	P	P	P	P	P	P	P	P	P	P	C	A	P	P
Micro with retail	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Mezzo (15,000 square feet)	P	P	P	P	P	P	P	P	P	P	C	A	P	P
Mezzo with retail	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Cultivator	P	P	P	P	P	P	P	P	P	P	P	C	P	P
Manufacturer	P	P	P	P	P	P	P	P	P	P	P	A	P	P
Retail	P	P	P	P	P	P	A	P	P	P	A	P	P	P
Wholesaler	P	P	P	P	P	P	P	P	P	P	A	A	P	P
Testing facility	P	P	P	P	P	P	P	P	P	P	A	A	P	P
Low potency manufacturer	P	P	P	P	P	P	P	P	P	P	P	A	P	P
Low potency retail	P	P	P	P	P	A	A	A	A	A	A	P	P	A
Medical cultivator	P	P	P	P	P	P	P	P	P	P	P	A	P	P
Medical processor	P	P	P	P	P	P	P	P	P	P	P	A	P	P
Medical retail	P	P	P	P	P	P	A	P	P	P	A	P	P	P
Medical combined	P	P	P	P	P	P	P	P	P	P	P	C	P	P

A=Allowed
 C=Conditional
 P=Prohibited

Source: Draft zoning ordinance for adult-focused businesses, May 2024



Adult-focused businesses: Draft design standards

- Draft chapter for design standards for buildings and sites
- Would apply to new business or buildings
- Would partially apply to conversions of existing buildings into an adult-focused business
- Limits see-through windows, signage, and continues the existing B-2 standards

Draft cannabis odor management

- Chapter would acknowledge odor associated with any cannabis business
- Ordinance would set odor violations parameter
- Allow for reasonable time to correct the issue
- Could eventually result in citation or other legal remedies

Your input matters

- What are your reactions to the locations for adult-focused businesses?
- Do the proposed locations help or hurt our community's:
 - Economy
 - Public health
 - Safety
- What are your other concerns?

Questions?

More information:

- Minnesota Office of Cannabis Management:
<https://www.cannabis.mn.gov/>
- City of Albert Lea;
<https://cityofalbertlea.org/zoningforthefuture/>