

WINDEMERE TOWNSHIP
PINE COUNTY, MINNESOTA
Ordinance No. 2025-0010

**AN ORDINANCE AMENDING THE TOWNSHIP OF WINDEMERE ZONING
ORDINANCE REGARDING THE REGULATION OF CANNABIS AND HEMP
BUSINESSES**

The Board of Supervisors of the Town of Windemere hereby ordains:

Section 1. Legislative Findings. The Town of Windemere (“Town”) makes the following legislative findings:

Findings and Purpose. The purpose of this Ordinance (“Ordinance”) is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the Town to protect the public health, safety, welfare of the Town’s residents by regulating cannabis businesses within the Town.

The Town finds and determines that the provisions of this Ordinance are appropriate and in accordance with Minnesota Statutes, that the proposed amendments will promote the Town’s interest in reasonable stability in zoning, and that the proposed provisions are in the public interest of protecting the public health, safety and welfare.

Section 2. Definitions. The definition of “Home Occupation” in Article I, Section 2 of the Township of Windemere Zoning Ordinance (“Zoning Ordinance”) is hereby amended by adding the following double-underlined language:

Home Occupation Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes, does not change the character thereof, or have any exterior evidence of such secondary use. In no event shall a Cannabis Business, Lower-Potency Hemp Edible Retailer or Lower-Potency Hemp Manufacturer be considered a Home Occupation.

Section 3. C-1, Commercial Zone District. Article III-A, Section 6. A. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

A. Permit Uses

1. Commercial retail and service establishments including but not limited to: general merchandise, motor vehicles, farm machinery, apparel, furniture, hardware, food, eating, drinking, lodging, personal and professional services, entertainment and recreation facilities and services, finance, insurance and real estate services which include highway commercial and neighborhood commercial uses.
2. Wholesale, storage and warehousing operations such as: food products, automotive parts, electrical equipment, hardware and feeds.

3. Signs, on-site and off-site, subject to provisions of Articles I and VI-A of this Ordinance.
4. Accessory uses clearly incidental to principal use.
5. Single family dwelling may be physically attached to the commercial establishment.
6. Transfer station.
7. Public, noncommercial recreational uses including trails, parks, beaches, wayside rests, etc.
8. Accessory structures, provided the maximum floor area per structure does not exceed 1,200 square feet.
9. Accessory structures with a floor area greater than 1,200 square feet provided that section P of the general provisions are met.
10. Borrow Pits and related facilities including but not limited to portable crushing, screening and batching provided Article III-B, Sec. 2 Performance Standards are met. If not, by Conditional Use Permit only.
11. Cannabis Retailer.
12. Lower-Potency Hemp Edible Retailer.
13. Cannabis Wholesaler.
14. Other uses, similar to those listed above, which clearly reflect the purpose and intent of the Commercial Zone District.

Section 4. C-1, Commercial Zone District. Article III-A, Section 6. B. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

B. Uses Authorized by a Conditional Use Permit:

1. Public and semi-public uses including but not limited to the following: public and private schools, churches, community buildings, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.
2. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.

3. Necessary facilities for production of electric power including but not limited to dams, reservoirs, and power plants. Projects requiring mandatory review by the Minnesota Environmental Quality Council shall be exempt from conditional use review.
4. Transportation terminals.
5. Single family dwelling or mobile home provided there be only one dwelling per commercial establishment.
6. Borrow Pits and related facilities including but not limited to portable crushing, screening, and batching equipment.
7. Cannabis Delivery Service.
8. Cannabis Transporter.
9. Other uses similar to those listed above.

Section 5. A-1, Agricultural – Open Space District. Article III-A, Section 7. A. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

A. **Permit Uses:** The following uses are permitted:

1. Farm buildings which are used for purposes related to the operation of the farm.
2. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
3. Greenhouse or nursery.
4. Forestry.
5. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
6. Temporary or seasonal roadside stands for sale of agricultural products.
7. Essential services (power lines, etc.).
8. Single family dwelling including mobile home.
9. Cannabis Cultivator.

Section 4. A-1, Agricultural – Open Space District. Article III-A, Section 7. B. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

B. **Conditional Uses:** The following uses may be permitted upon the issuance of a conditional use permit:

1. Commercial uses
2. Industrial uses.
3. Commercial recreational parks, campgrounds, and facilities.
4. Churches.
5. Organized group camps.
6. Extraction of sand, gravel, minerals, or rock.
7. Two-family and multi-family residences.
8. Government buildings.
9. Other uses determined to be similar to the identified permitted and conditional uses.
10. Airport.
11. Cannabis Delivery Service.
12. Cannabis Manufacturer.
13. Cannabis Testing Facility.
14. Temporary Cannabis Event.

Section 5. Cannabis and Hemp Businesses. The Zoning Ordinance is hereby amended by adding Article VI-C with the following double-underlined language:

ARTICLE VI-C
Cannabis and Hemp
Businesses

Sec. 1 Authority. The Town is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The Town is also authorized to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this Section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules

promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions

Sec. 2 Definitions. Unless otherwise noted in this section, words and phrases contained in Minnesota Statutes, section 342.01, and any amendments made thereto or any successor provisions, and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the same meanings in this ordinance.

- A. “Adult Use Cannabis Product” has the meaning given the term in Minnesota Statutes, section 342.01, subd. 4.
- B. “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subd. 14, and includes all businesses listed thereunder. For the purposes of this section, the term also includes hemp manufacturers and hemp retailers.
- C. “Cannabis Cultivator” 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 authorized by Minnesota Statutes and the Office of Cannabis Management.
- D. “Cannabis Delivery Service” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- E. “Cannabis Event Organizer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold a temporary cannabis event.
- F. “Cannabis Manufacturer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis concentrate, hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight, artificially derived

cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.

G. “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, including a retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.

H. “Cannabis Testing Facility” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products.

I. “Cannabis Transporter” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles and hemp-derived consumer products as authorized by Minnesota Statutes and the Office of Cannabis Management.

J. “Cannabis Wholesaler” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers, to sell lower-potency hemp edibles to lower-potency hemp edible retailers and to perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.

K. “Daycare” means a location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child’s own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

- L. “Lower-Potency Hemp Edible” has the meaning given the term in Minnesota Statutes, section 342.01 subd. 50.
- M. “Lower-Potency Hemp Edible Retailer” means a business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles.
- N. “Medical Cannabis Business” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, sections 342.47 through 342.515, or such other law as may apply, to cultivate, process, manufacture, package, and sell medical cannabis and cannabinoid products as authorized by Minnesota Statutes and the Office of Cannabis Management.
- O. “Office of Cannabis Management” (“OCM”) means the Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.
- P. “Place of Public Accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- Q. “Public Place” means a public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- R. “Residential Treatment Facility” has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.
- S. “School” means a public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meet the reporting requirements under Minnesota Statutes, section 120A.24.

Sec. 3 Performance Standards. Operation of cannabis businesses of the types established by Minnesota Statutes, section 342.10 within the Town shall comply with the provisions of this section and the following:

- A. State License Required. Operation of a business of the types established by Minnesota Statutes, section 342.10 shall require a state license issued by the OCM in accordance with Minnesota Statutes.
- B. Building Code. The business shall comply with the provisions of all applicable building codes.
- C. Fire Code. The business shall comply with the provisions of all applicable fire codes.
- D. Zoning Ordinance. The business shall comply with the Township of Windemere Zoning Ordinance.
- E. Hours of Operation: No cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products outside of the hours of operation established by Pine County. If Pine County does not establish specific hours of operation, the hours established in Minnesota Statutes, section 342.27, subdivision 7 shall apply.
- F. Prohibited Activities. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, Chapter 342, such other laws as may apply, and the following:
1. Smoking Prohibited. No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414; and
 2. Statutory Prohibitions. No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in Minnesota Statutes, Section 342.27, subdivision 12.
- G. Buffer Zones.
1. Distances. Except as provided below, no cannabis business shall be located or operate within:
 - a. 1,000 feet of a school;
 - b. 500 feet of a residential treatment facility;

- c. 500 feet of a daycare facility;
- d. 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields; or
- e. 500 feet from another cannabis business.

2. **Measurement. Buffer distances shall be measured [SAME FASHION AS WITH OTHER BUFFERS/SETBACKS IN THE ORDINANCE].**

Sec. 4 Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Article III of the Town Code and Minnesota Statutes, section 462.357, subdivision 1e.

Sec. 5 Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.

- A. Age Restricted Areas. The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.
- B. Storage. Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.

Sec. 5 Medical Cannabis Businesses. A Medical Cannabis Business shall be classified as a Cannabis Cultivator, Cannabis Manufacturer and/or a Cannabis Retailer, depending on the scope of its operations, for purposes of determining which zoning district the particular business may be located.

Sec. 6 Temporary Cannabis Events.

- A. Cannabis Event Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the Town.
- B. Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.
- C. Application Process. Unless the interim use permit issued to a cannabis event organizer indicates otherwise, the following

procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.

1. The applicant must complete and submit the Town's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. If the propose cannabis event constitutes a special event under the Town's regulations, the applicant is required to follow the applicable requirements to obtain a special events permit, and such approval shall also constitute the cannabis event permit for the particular event.
2. If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours, and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.

D. Enforcement. The Town may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The Town may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.

Sec. 7 Use in Public Places. No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed by the OCM to permit on-site consumption.

Section 6. Severability. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Section 7. Effective Date. This Ordinance shall become effective the day after its legal publication.

Adopted this ____ day of _____ 2025.

BY THE TOWN BOARD

Chairperson

Attest: _____
Clerk

DRAFT