



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VIII. E.

**From:** Bill Neuendorf  
Economic Development Manager

**Action**   
**Discussion**   
**Information**

**Date:** February 3, 2015

**Subject:** Ordinance 2015-04, Interim Ordinance Temporarily Prohibiting Medical Cannabis Manufacturing and Distribution Facilities

**Action Requested:**

Approve Ordinance 2015-04. Waiver of second reading is requested.

**Information / Background:**

Operators of medical marijuana facilities are seeking sites for new dispensaries. At least one operator is seeking a location in Edina or Bloomington.

This use has not been anticipated in the City's zoning and land use regulations. A moratorium is proposed to study medical cannabis manufacturing facilities and dispensaries. This study period will allow the City to determine whether City Code needs to be amended to address these types of facilities.

**Attachments:**

Ordinance No. 2015-04

## ORDINANCE NO. 2015-04

### INTERIM ORDINANCE TEMPORARILY PROHIBITING MEDICAL CANNABIS MANUFACTURING AND DISTRIBUTION FACILITIES

#### THE CITY COUNCIL OF EDINA ORDAINS:

##### **SECTION 1. FINDINGS AND PURPOSE.**

A. The City Council finds that it is necessary to temporarily preserve the status quo regarding the City's regulation of land uses through its official controls following the Minnesota Legislature's passage of the Medical Cannabis Therapeutic Research Act of 2014, Minnesota Session Laws, Chapter 311, §§ 1-22 (2014) (the "Act"). The Act does not prohibit the City from placing additional location limitations or regulatory requirements on medical marijuana distribution facilities beyond those contained in the Act.

B. The City has learned of interest in potential medical marijuana distribution facilities in the City.

C. The City finds that medical marijuana manufacturing and distribution facilities represent new land uses not presently addressed in the City's official controls and never previously studied by the City.

D. The City finds that such uses should be studied for the purpose of determining whether amendments or additions to the City's official controls may be necessary to protect the public health, safety and welfare.

**SECTION 2. DEFINITIONS:** The following terms when used in this ordinance shall mean:

**Official controls.** "Official controls" or "controls" means ordinances and regulations which control the physical development of the city or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

**Medical Cannabis.** Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;

- (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
- (4) any other method, excluding smoking, approved by the commissioner.

**Medical Cannabis Manufacturer.** An entity registered by the Minnesota Commissioner of Health to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

**Distribution Facility.** A center for the distribution of medical cannabis operated by a medical cannabis manufacturer.

### **SECTION 3. INTENT AND AUTHORIZATION:**

A. It is the intent of this ordinance to allow the City of Edina time to complete an in-depth study concerning adoption of revisions of the City's official controls for medical marijuana manufacturing and distribution facilities and in the interim to protect the planning process and health, safety, and welfare of the citizens of the community.

B. City staff is authorized to conduct a study of the City's official controls that may need to be adopted or amended to protect the public health, safety and welfare as they relate to medical cannabis manufacturing and distribution facilities.

**SECTION 4. TEMPORARY PROHIBITION:** Pending the completion of the above referenced study and the adoption of appropriate official controls, the following uses are prohibited within the City:

- Medical Cannabis Manufacturer
- Distribution Facility

**SECTION 5. EXEMPTIONS:** The statutory exemption to this ordinance set forth in Minnesota Statutes § 462.355, Subd. 4 is incorporated herein by reference.

**SECTION 6. EFFECTIVE DATE:** This ordinance shall take effect immediately upon its passage and shall remain in effect for one year from the effective date of this ordinance or until the adoption of the official controls being studied, whichever occurs first.

**ADOPTED** this \_\_\_ day of February, 2015, by the City Council of Edina, Minnesota.

First Reading: February 3, 2015

Second Reading:

Published:

**ATTEST:**

\_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication

Bill to Edina City Clerk