

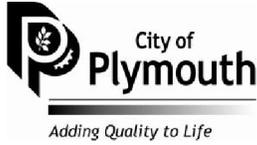
**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
APRIL 26, 2016, 5:30 p.m.
MEDICINE LAKE CONFERENCE ROOM**

1. CALL TO ORDER

2. TOPICS

- A. Medical Cannabis Ordinance
- B. Set future Study Sessions

3. ADJOURN



**SPECIAL
COUNCIL MEETING**

April 26, 2016

To: Dave Callister, City Manager

Prepared by: Barbara Thompson, Planning Manager

Reviewed by:

Item: Medical Cannabis Regulations

1. BACKGROUND:

During its 2014 session, the State Legislature enacted a law creating a process allowing seriously ill Minnesotans to acquire and use medical cannabis to treat certain conditions. In October 2014, the Council adopted an interim ordinance approving a one-year moratorium on medical cannabis manufacturers and distribution facilities to allow for greater study of the potential implications of such uses. In July 2015, after reviewing the newly adopted Minnesota State Statutes and Rules, the Council subsequently adopted an ordinance prohibiting all cannabis-related uses, but directed staff to bring back draft regulations allowing medical cannabis-related uses in selected areas of the City.

Staff has now completed additional review of these uses and has drafted ordinance language per the Council’s direction. Staff notes that the definitions of medical cannabis and qualifying medical conditions in the draft ordinance are the same as those found in State Statute.

2. ANALYSIS:

Manufacturing and Testing Facilities

Staff looked at the I-2 and I-3 districts as potential locations for manufacturing facilities and testing laboratories. Staff eliminated the I-1 district from consideration as virtually all I-1 zoned properties are located adjacent to residential uses. Given traffic to and from a site, hours of operation, security requirements, demand on law enforcement, and potential future changes in the law, the draft ordinance would allow manufacturing facilities and testing laboratories as conditional uses, subject to a number of performance standards, including location standards. Draft standards would prevent the location of any such facilities within 1,000 feet of a school or religious institution. The draft standards indicate two possible alternatives for the required distance from residential uses: 250 or 500 feet. The first map, which illustrates I-2 zoned properties, shows there would be a number of properties that meet the proposed locational requirements, albeit substantially fewer at 500 feet. The majority are located in the industrial area south of Highway 55, both east and west of I-494. The second map, which illustrates I-3 zoned properties, shows there are only two sites that meet the proposed locational requirements.

Distribution Facilities

Staff looked at the City’s commercial districts (C-1 through C-5 and the City Center districts) as potential locations for medical cannabis distribution facilities. Given similar considerations of traffic, hours of operation, etc., the draft ordinance narrows this to the C-3 district, highway commercial district, only. In C-3, the ordinance would allow distribution facilities as conditional uses, subject to the same locational

standards proposed for manufacturing facilities. The third map shows there would be 19 sites located more than 1,000 feet from a church/school and 500 feet from residential uses. Reducing the distance to 250 feet from residential uses would add another seven sites. The majority of these sites are located near the intersection of I-494 and Highway 55.

3. NEXT STEPS:

Should the Council wish to move forward with adoption of additional medical cannabis regulations, the next step would be to provide direction to staff on the suggested direction, including the alternative performance standards. With that direction, staff could then bring the draft ordinance to a public hearing at the Planning Commission and back to the Council for final action.

4. ATTACHMENTS:

- Draft Ordinance Amendments
- Map of I-2 Properties
- Map of I-3 Properties
- Map of C-2 Properties
- Map of C-3 Properties
- Map of C-4 Properties

SECTION 21000 - TITLE AND APPLICATION

21000.01. TITLE: This Chapter shall be known as the “Plymouth Zoning Ordinance” except as referred to herein, where it shall be known as “this Chapter”.

21000.02. INTENT AND PURPOSE: The intent of this Chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land. These regulations are established to assist the City in 1) implementing its Comprehensive Plan, 2) protecting and enhancing the natural environment and resources that currently exist within the City, 3) ensuring orderly and quality development and redevelopment, 4) protecting the quality and diversity of the City’s tax base, 5) protecting the quality of residential neighborhoods, 6) providing opportunities for an affordable and diverse housing supply, 7) managing traffic, 8) ensuring compatibility between different land uses, and 9) regulating businesses that may have adverse secondary effects on the quality of life of Plymouth residents. These regulations are also established to provide for administration of this Chapter, to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Zoning Board of Adjustment and Appeals, the Planning Commission and the City Council in relation to the Zoning Ordinance.

21000.03. RELATION TO COMPREHENSIVE MUNICIPAL PLAN: It is the policy of the City of Plymouth that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the recommendations contained in the City Comprehensive Plan, as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the City Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

21000.04. STANDARD, REQUIREMENT: Where the conditions imposed by any provisions of this Chapter are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule, or regulation of the city, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

21000.05. CONFORMITY WITH THIS CHAPTER: No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

21000.06. BUILDING COMPLIANCE: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Chapter.

PLYMOUTH ZONING ORDINANCE

21000.07. REDUCTION OF YARDS OR LOTS NOT PERMITTED: No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

21000.08. MONUMENTS: For the purpose of this Chapter, all international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

21000.09. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS: Whenever in any zoning district a use is not specifically allowed as a permitted accessory, conditional, or interim use, nor is such use allowed by administrative permit, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study may, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City. *(Amended by Ord. No. 2001-06, 02/13/01)*

21000.10. SEPARABILITY: It is hereby declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

Subd. 1. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

Subd. 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

21000.11. AUTHORITY: This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

21000.12 ZONING MAP: The locations and boundaries of the district established by this Ordinance are hereby set forth on the Plymouth, Minnesota Zoning Map; and said Map is hereby made a part of this Ordinance; said Map shall be known as the "Plymouth, Minnesota Zoning Map." Said Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein.

PLYMOUTH ZONING ORDINANCE

It shall be the responsibility of the Zoning Administrator to maintain said Map, and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Hall.

21000.13 ZONING DISTRICT BOUNDARIES: The boundaries between districts are, unless otherwise indicated, either the center line of streets, alleys or railroad rights-of-way or lot lines or section lines or such centerlines or lot lines parallel or perpendicular thereto.

21000.14 FUTURE ANNEXATIONS: Any land annexed to the City in the future shall be placed in the FRD (Future Restricted Development) district until another zoning classification is approved by action of the City Council after receipt of the recommendation of the Planning Commission. *(Amended by Ord. No. 2002-02, 01/22/02)*

21000.15. PROHIBITED USES: The following uses are prohibited in all zoning districts within the City:

~~Subd. 1. Cultivation or harvesting cannabis.~~

~~Subd. 2. Cannabis manufacturing.~~

~~Subd. 3. Cannabis distribution facilities.~~

~~Subd. 4. Cannabis testing laboratories.~~

Subd. 1. Cultivation or harvesting of cannabis, cannabis manufacturing, cannabis distribution facilities, and cannabis laboratories for anything other than medical cannabis use.

(Amended by Ord. No. 2015-21, 07/28/15)

PLYMOUTH ZONING ORDINANCE

Cannabis Related:

- (a) Cannabis: Any species of the genus cannabis plant, or any mixture or preparation of them including whole plant extracts and resins.
- (b) Cannabis distribution facility: Any building where the storage or distribution (including either retail or wholesale distribution) of cannabis is performed.
- (c) Cannabis laboratory: Any permanent building where samples of cannabis are examined, analyzed or tested.
- (d) Cannabis manufacturing or manufacture: The process of converting or packaging harvested cannabis plant material into medical cannabis.
- (e) 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 of Health.
- (f) Qualifying medical condition: A diagnosis of any of the following conditions:
 - (1) Cancer, if the underlying condition or treatment produces one of more of the following:
 - (i) Severe or chronic pain;
 - (ii) Nausea or severe vomiting; or
 - (iii) Cachexia or severe wasting.
 - (2) Glaucoma;
 - (3) Human immunodeficiency virus or acquired immune deficiency syndrome;
 - (4) Tourette’s syndrome;
 - (5) Amyotrophic lateral sclerosis;
 - (6) Seizures, including those characteristic of epilepsy;

- (7) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) Crohn's disease;
- (9) Terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) Severe or chronic pain;
 - (ii) Nausea or severe vomiting; or
 - (iii) Cachexia or severe wasting.
- (10) Any other medical condition or its treatment approved by the Commissioner of Health or defined in Chapter 152 in State Law, as may be amended.

SECTION 21194 – MEDICAL CANNABIS

21194.01. PURPOSE AND INTENT: The purpose of this section is to protect and promote the general welfare, health, safety, and order within the City of Plymouth through the regulation of medical cannabis. The provisions of this section are intended to identify where medical cannabis manufacturing, associated laboratory testing, and distribution are allowable with the city and the standards they must meet in order to operate in these identified areas.

21194.03. DISTRICT APPLICATION:

Subd. 1. Medical cannabis manufacturing facilities and testing laboratories are allowable within the [I-2 (General Industrial) and I-3 (Heavy Industrial)] zoning district(s) subject to the approval of a conditional use permit, pursuant to the procedures, general performance standards, and regulations established by Section 21015 of this Chapter.

Subd. 2. Medical cannabis distribution facilities are allowable within the C-3 (Highway Commercial) zoning district subject to the approval of a conditional use permit, pursuant to the procedures, general performance standards, and regulations established by Section 21015 of this Chapter.

21194.05. PERFORMANCE STANDARDS:

Subd. 1. All medical cannabis manufacturing facilities and laboratories shall comply with all of the following performance standards.

(a) The operator of a manufacturing facility or laboratory shall secure all applicable licenses and approvals from the City, County, State or other applicable jurisdictions before the conditional use permit becomes effective.

(b) All cultivation, harvesting, manufacturing, packaging, processing, and testing of medical cannabis shall take place in a permanent, locked building and may not be located in a trailer, cargo container or motor vehicle.

(c) The facilities shall provide security protection, including but not limited to, a fully operational alarm system, facility access controls, perimeter detection systems and a personnel identification system.

(d) A manufacturing facility or laboratory shall not be located within 5,280 feet of any other facility manufacturing, testing or distributing medical cannabis.

(e) A manufacturing facility or laboratory shall not be located within 1,000 feet of a public or private school or a religious institution.

(f) A manufacturing facility or laboratory shall not be located within (250) (500) feet of residentially zoned property.

(g) Any display of merchandise, interior signs, or other exhibits which are visible from outside these facilities shall be prohibited.

(h) The facilities shall provide for proper disposal of cannabis remnants or by-products; such remnants and by-products shall not be placed within a facility's exterior refuse containers.

(i) There shall be no emission of dust, fumes, vapors, or odors into the environment from these facilities.

(j) No on-premise consumption shall be permitted.

(k) There shall be no retail sales at these facilities.

Subd. 2. All medical cannabis distribution facilities shall comply with all of the following performance standards.

(a) Distribution shall be permitted only for Qualifying Medical Conditions.

(b) The operator of a distribution facility shall secure all applicable licenses and approvals from the City, County, State or other applicable jurisdictions before the conditional use permit becomes effective.

(c) The distribution facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

(d) The distribution facility shall not be located within 5,280 feet of any other facility manufacturing, testing or distributing medical cannabis.

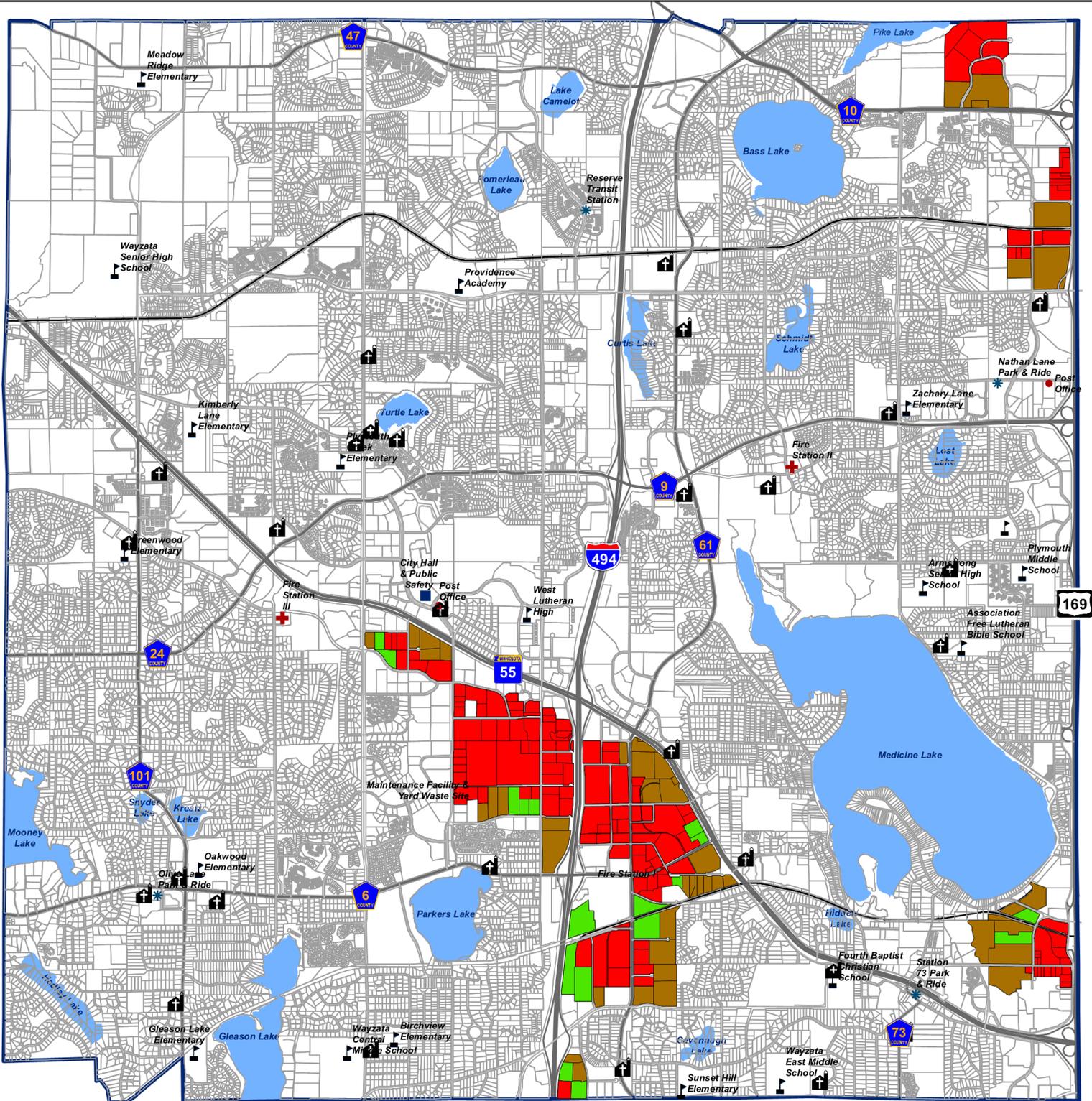
(e) The distribution facility shall not be located within 1,000 feet of a public or private school or a religious institution.

(f) The distribution facility shall not be located within (250) (500) feet of residentially zoned property.

(g) Any display of merchandise, interior signs, or other exhibits which are visible from outside the distribution facility shall be prohibited.

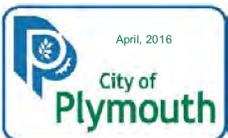
(h) No manufacture or production of medical cannabis shall be permitted at the facility.

- (i) No on-premise consumption shall be permitted.
- (j) Off-site delivery is prohibited.
- (k) No drive-through shall be permitted at the facility.
- (l) Off-street parking shall be provided at a minimum of 5 spaces per 1,000 square feet of gross floor area.
- (m) Annually, within 15 days of receipt, a copy of the registration required by Minn. Stat. 152.25, Subd. 1, as may be amended, shall be provided to the Public Safety Director.

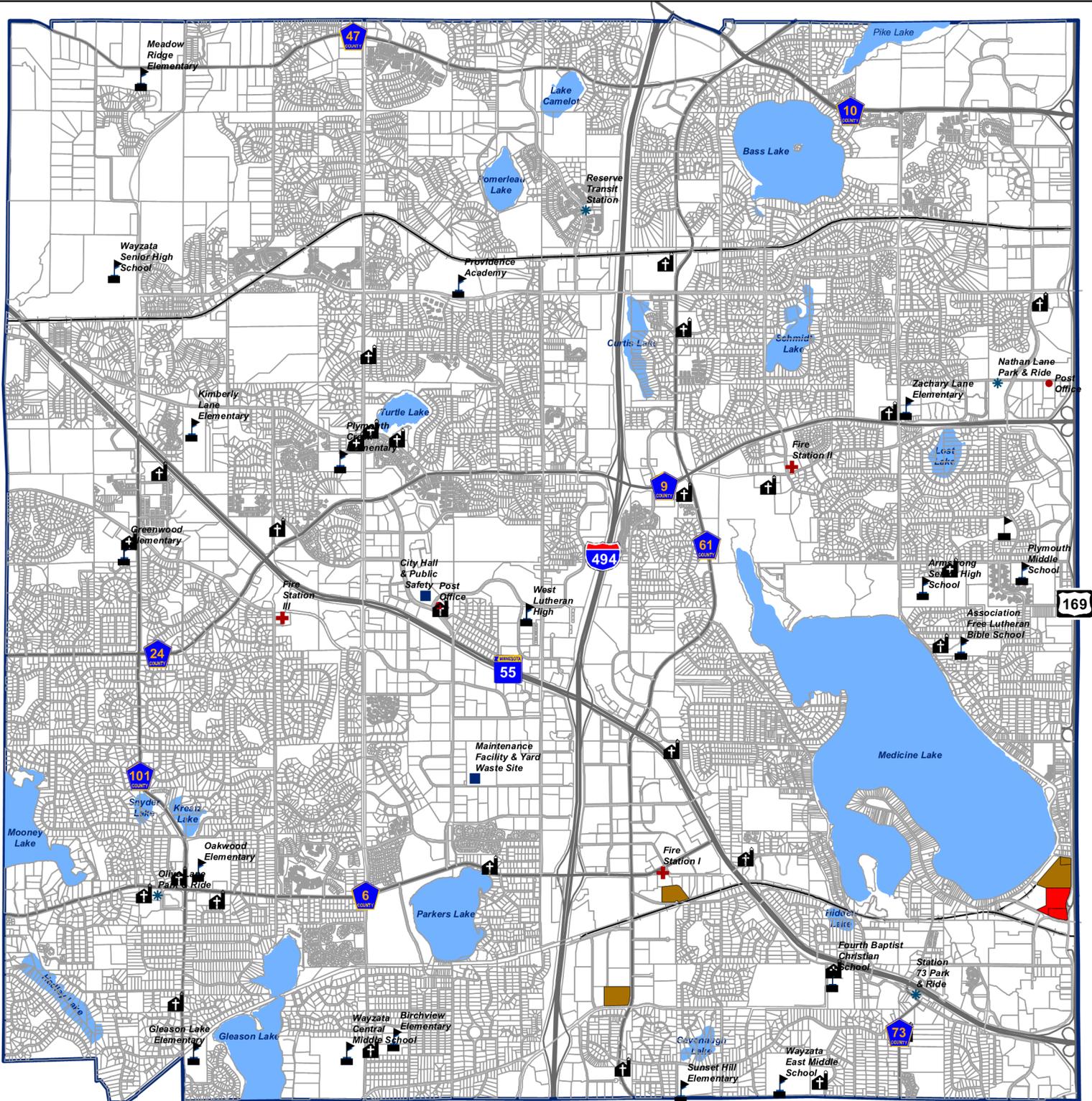


Medical Cannabis I-2 Properties

-  Church
-  School
-  I-2, more than 1000' from church/school, more than 500' from residential
-  I-2, more than 1000' from church/school, more than 250' from residential
-  Zoned I-2

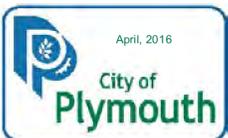


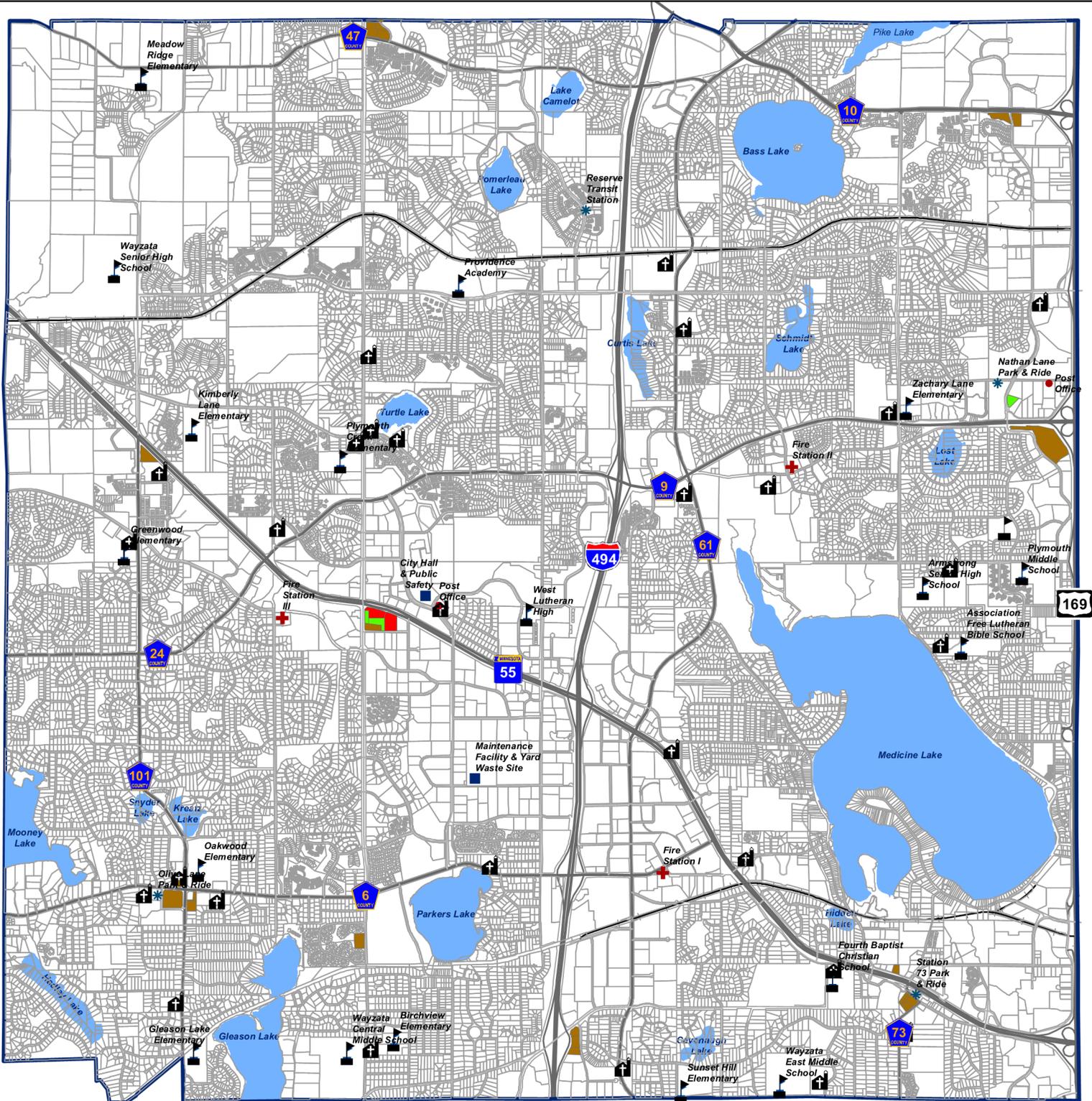
THIS REPRESENTS A COMPILATION OF INFORMATION AND DATA FROM CITY, COUNTY, STATE AND OTHER SOURCES THAT HAS NOT BEEN FIELD VERIFIED. INFORMATION SHOULD BE FIELD VERIFIED AND COMPARED WITH ORIGINAL SOURCE DOCUMENTS.



Medical Cannabis I-3 Properties

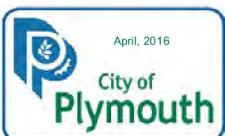
-  Church
-  School
-  I-3 sites more than 1000' from church/school & more than 500' from residential
-  Zoned I-3

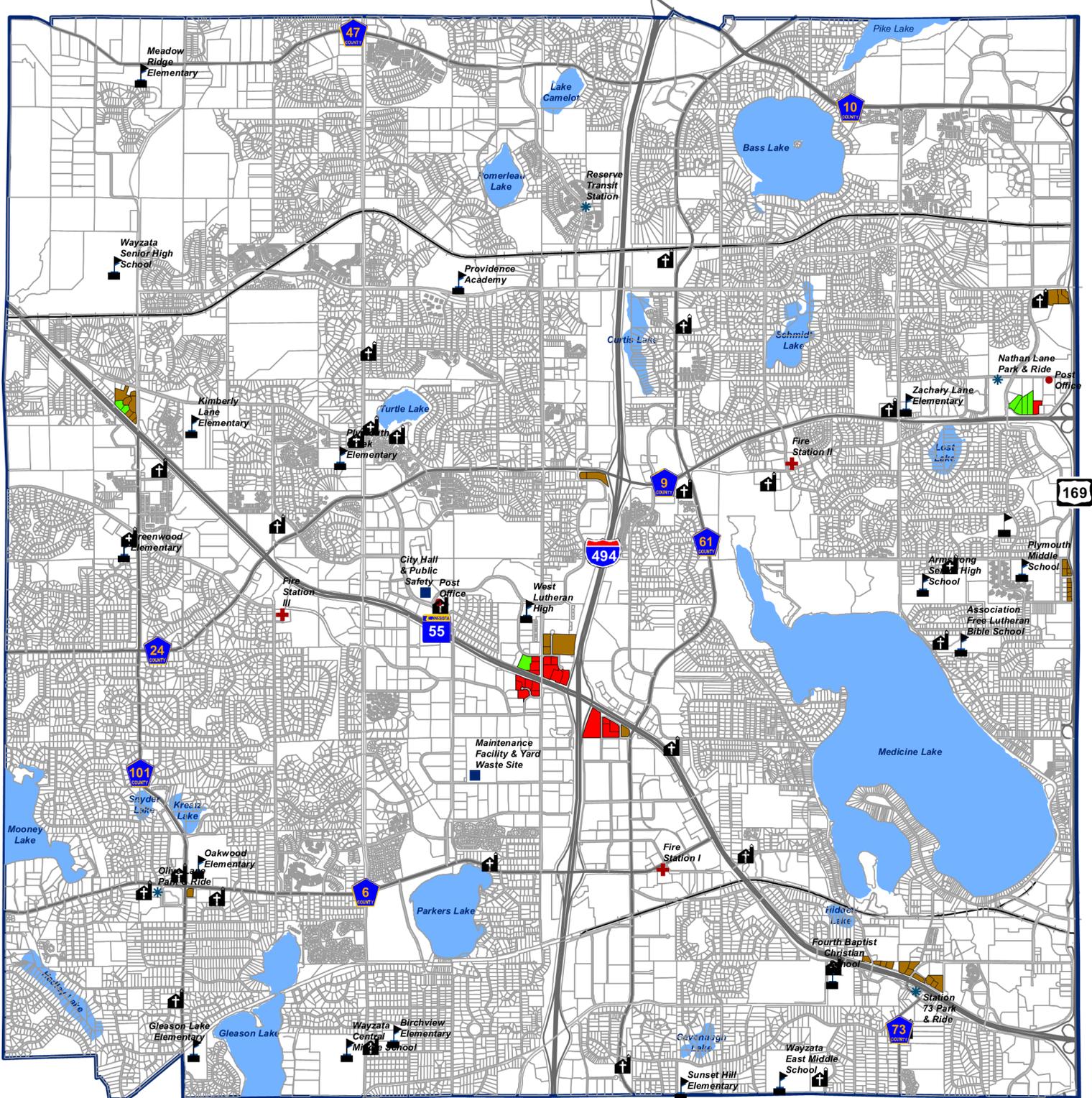




Medical Cannabis C-2 Properties

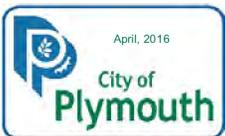
-  Church
-  School
-  C-2, more than 1000' from church/school, more than 500' from residential
-  C-2, more than 1000' from church/school, more than 250' from residential
-  Zoned C-2

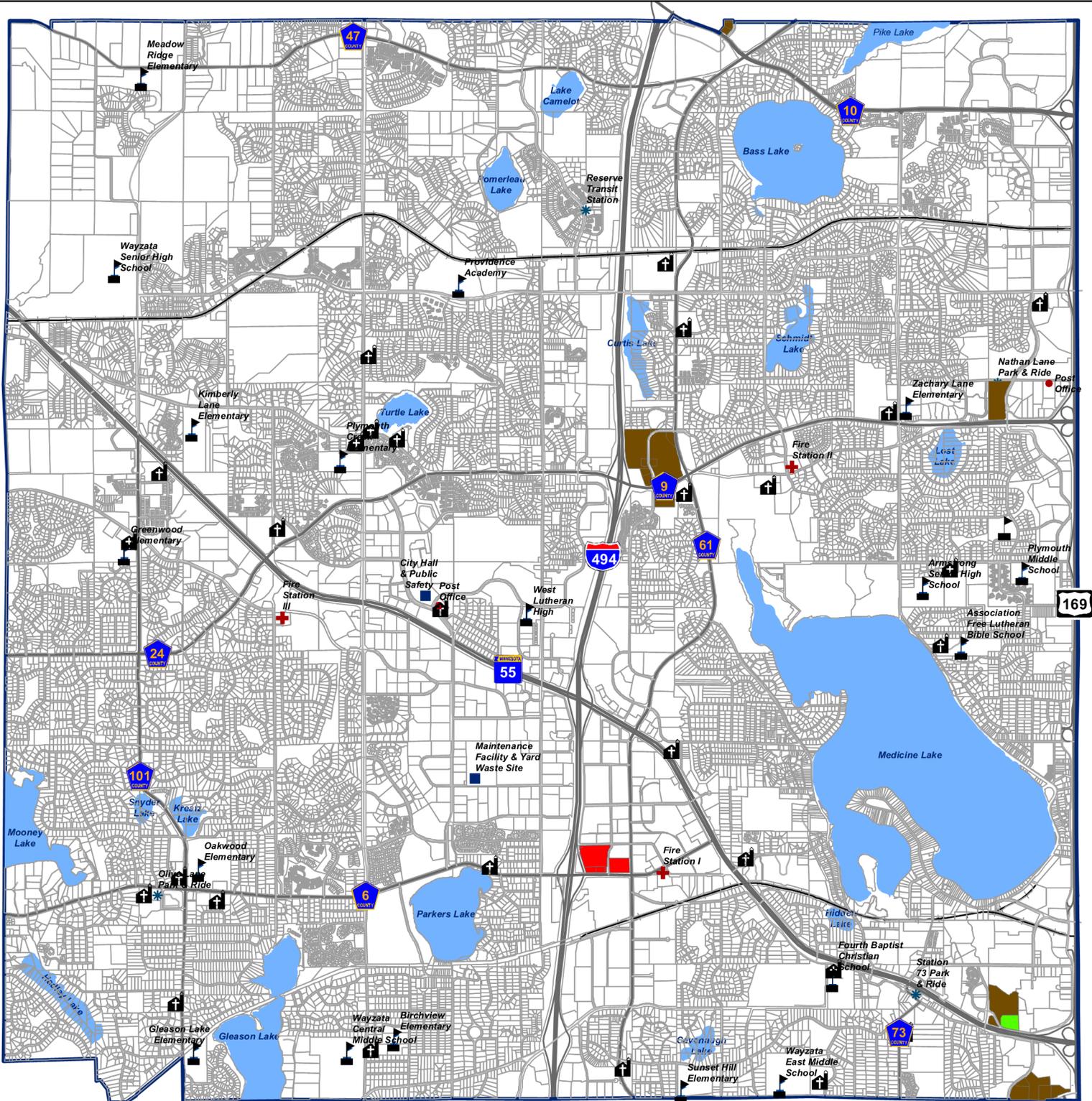




Medical Cannabis C-3 Properties

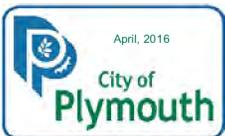
-  Church
-  School
-  C-3, more than 1000' from church/school, more than 500' from residential
-  C-3, more than 1000' from church/school, more than 250' from residential
-  Zoned C-3

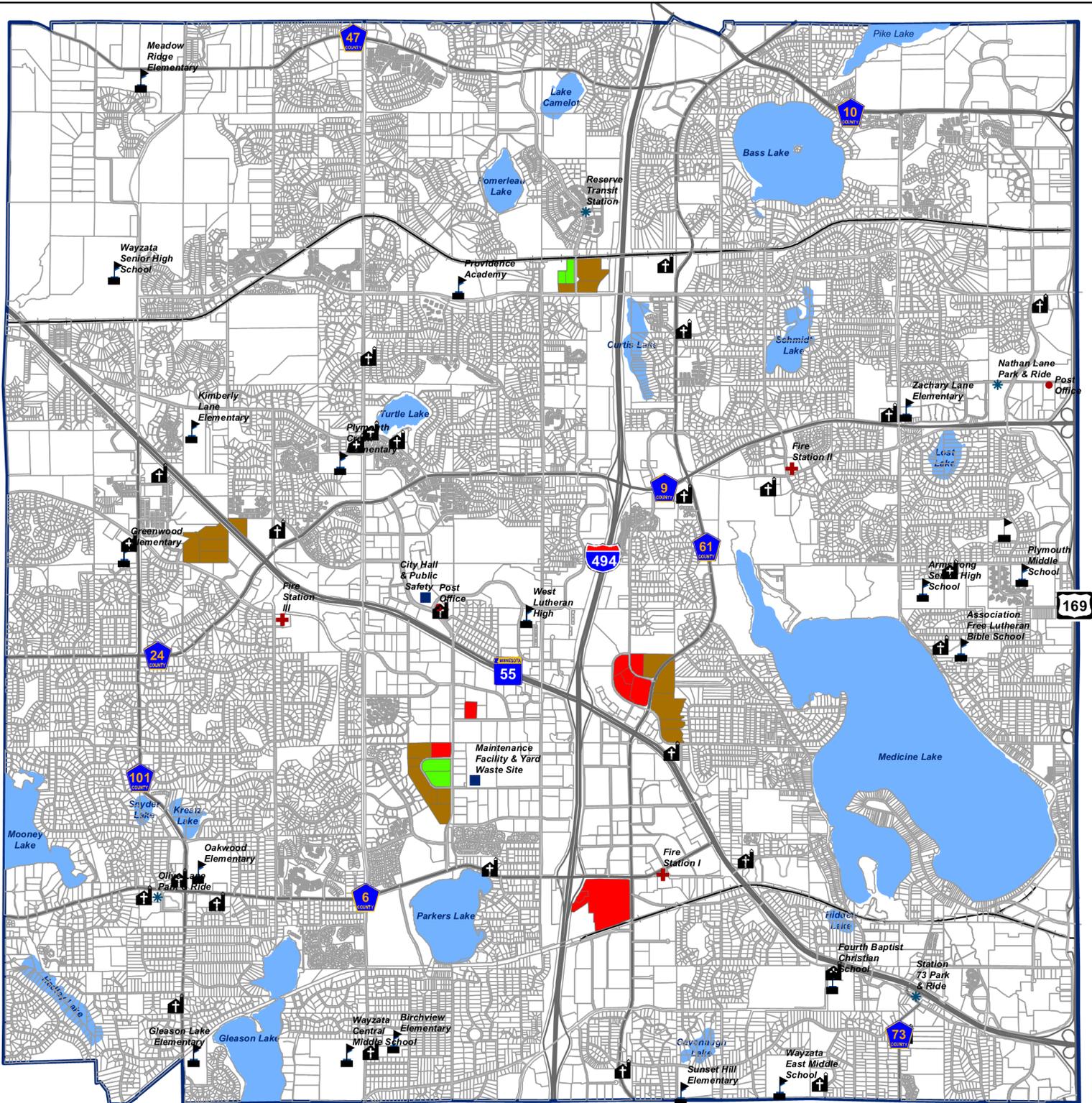




Medical Cannabis C-4 Properties

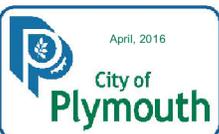
-  Church
-  School
-  C-4, more than 1000' from church/school, more than 500' from residential
-  C-4, more than 1000' from church/school, more than 250' from residential
-  Zoned C-4

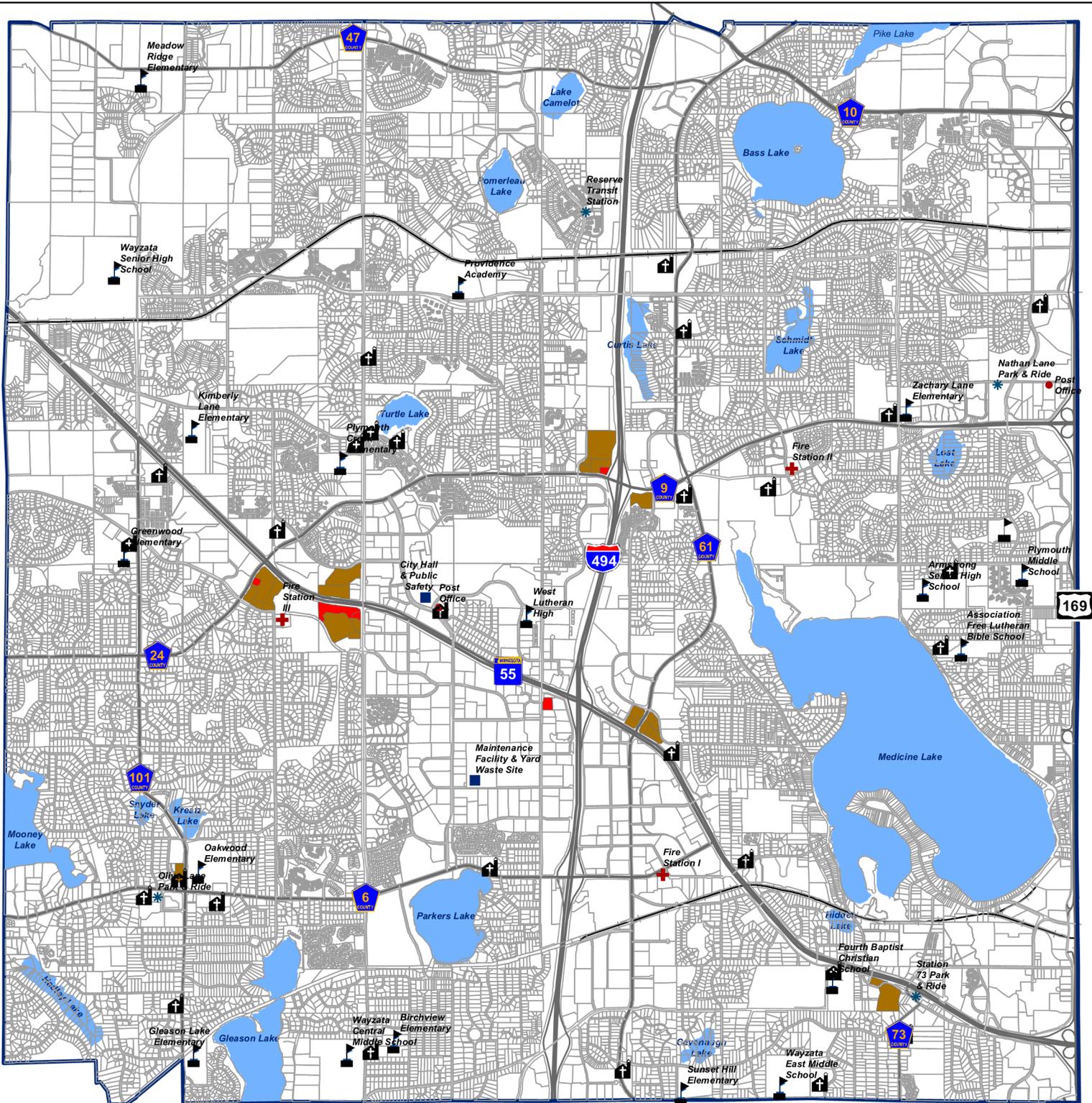




Medical Cannabis Industrial PUD Properties

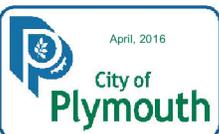
-  Church
-  School
-  Industrial PUD, more than 1000' from church/school, more than 500' from residential
-  Industrial PUD, more than 1000' from church/school, more than 250' from residential
-  IND_PUD

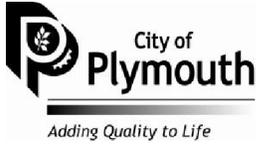




Medical Cannabis Commercial PUD Properties

-  Church
-  School
-  Commercial PUD, more than 1000' from church/school, more than 500' from residential
-  Commercial PUD





Agenda
Number: 2B

**SPECIAL
COUNCIL MEETING**

April 26, 2016

To: Mayor and Council

Prepared by: Dave Callister, City Manager

Reviewed by:

Item: Set Future Study Sessions

Calendars are attached to assist with scheduling of study sessions if the Council desires.

Pending Study Session Topics (at least 3 Council members have approved the following study items on the list):

None at this time.

Other Council requests for Study Session Topics:

None at this time.

Staff requests for Study Session Topics:

None at this time.

May 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 5:00 PM SPECIAL COUNCIL MEETING Comprehensive Plan draft vision, goals, and policies and Economic Development Authority organization Medicine Lake Room	4 CANCELLED PLANNING COMMISSION MEETING Council Chambers	5	6	7
8	9	10 5:30 PM SPECIAL COUNCIL MEETING Universal Playground and Miracle Playfield at Zachary Playfields Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	12 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Council Chambers	13	14
15	16	17 6:00 PM SPECIAL COUNCIL MEETING Public Safety update Medicine Lake Room	18 7:00 PM PLANNING COMMISSION MEETING Council Chambers	19	20	21 10:00 AM - 2:00 PM BARK IN THE PARK Hilde Performance Center
22	23	24 5:30 PM SPECIAL COUNCIL MEETING Transit update Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	25	26 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	27	28
29	30  MEMORIAL DAY Observed CITY OFFICES CLOSED	31				

Modified on 04/15/16

CHANGES ARE MADE IN RED

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060

June 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
			1 7:00 PM PLANNING COMMISSION MEETING Council Chambers	2	3	4
5	6	7	8 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	9 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Plymouth Creek Center	10	11
12	13	14 7:00 PM REGULAR COUNCIL MEETING Council Chambers	15 7:00 PM PLANNING COMMISSION MEETING Council Chambers	16	17	18
19	20	21	22	23 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	24	25 8:00 AM Music in Plymouth 5K Fun Run
26	27	28	29 5:00 - 10:15 PM Music in Plymouth Hilde Performance Center	30		

Modified on 12/29/15

CHANGES ARE MADE IN RED

July 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
					1	2
3	4  INDEPENDENCE DAY CITY OFFICES CLOSED	5	6 7:00 PM PLANNING COMMISSION MEETING Council Chambers	7	8	9
10	11	12 5:30 PM SPECIAL COUNCIL MEETING Trail/sidewalk snow removal routes for 2016-2017 Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	13 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	14	15	16
17	18	19	20 7:00 PM PLANNING COMMISSION MEETING Council Chambers	21	22	23
24	25	26 7:00 PM REGULAR COUNCIL MEETING Council Chambers	27	28 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room 5:30 - 8:30 PM Kids Fest Hilde Performance Center	29	30
31						

Modified on 04/13/2016

CHANGES ARE MADE IN RED

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060

August 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
	1	2 2:30-5:00 PM NIGHT TO UNITE KICKOFF Plymouth Creek Center 6:30-9:30 PM NIGHT TO UNITE CITY COUNCIL FILINGS OPEN	3 7:00 PM PLANNING COMMISSION MEETING Council Chambers	4	5	6 10:00 AM - 3:00 PM ABSENTEE VOTING
7	8 ABSENTEE VOTING Until 5:00 PM	9 STATE PRIMARY ELECTION DAY Polls open 7:00 AM to 8:00 PM 8:00 PM REGULAR COUNCIL MEETING Council Chambers	10 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	11	12	13
14	15	16 6:00 PM SPECIAL COUNCIL MEETING Budget/CIP Medicine Lake Room CITY COUNCIL FILINGS CLOSE 5:00 PM	17 7:00 PM PLANNING COMMISSION MEETING Council Chambers	18 CITY COUNCIL FILINGS DEADLINE TO WITHDRAW 5:00 PM	19	20
21	22	23 5:30 PM SPECIAL COUNCIL MEETING Budget/CIP Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	24	25 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	26	27
28	29	30 6:00 PM SPECIAL COUNCIL MEETING (If Needed) Budget/CIP Medicine Lake Room	31			

Modified on 04/13/2016

CHANGES ARE MADE IN RED