

ORDINANCE NO.: 2024-11

CITY OF BALDWIN  
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCES 900, 910, AND 920  
REGARDING WETLANDS, ACCESSORY BUILDINGS, CANNABIS, AND INCORPORATION.

THE BALDWIN CITY COUNCIL ORDAINS:

**Section 1.** Section XX-2-2 of Ordinance 900 (Zoning Ordinance - Definitions) is hereby amended to include the following terms alphabetically:

**Cannabis Businesses Related:** Unless otherwise noted in this section or chapter 28 of this title, words and phrases contained in Minnesota Statutes, section 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this title.

- A. Adult-Use Cannabis Product: As defined under Minnesota Statutes, section 342.01, subd. 4.
- B. Cannabis Cultivation: 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 approved by the office.
- C. Cannabis Retail Businesses: A state licensed 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, and lower-potency hemp edible retailers.
- D. Cannabis Retailer: 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.
- E. Daycare: 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 twenty four (24) hour day.
- F. Lower Potency Hemp Edible: As defined under Minnesota Statutes, section 342.01, subd. 50.
- G. Office of Cannabis Management: State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.
- H. Place of Public Accommodation: 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.

- I. Preliminary License Approval: Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minnesota Statutes, section 342.17.
- J. Public Place: 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.
- K. Residential Treatment Facility: As defined under Minnesota Statutes, section 245.462 subd. 23.
- L. Retail Registration: An approved registration issued by Wright County to a cannabis retail business.
- M. School: A public school as defined under Minnesota Statutes, section 120A.05 or a nonpublic school that complies with the reporting requirements under Minnesota Statute, section 120A.24.
- N. State License: An approved license issued by the Office of Cannabis Management to a cannabis retail business.

**Section 2.** Section XX-5-4 of Ordinance 900 (Zoning Ordinance - Interim Use Permits; Specific Use Standards) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

- H. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer only, provided that:
  - 1. General Standards. The cannabis business shall comply with the provisions of chapter 28 of this title.
  - 2. Indoor Operations:
    - a. A cannabis business shall be conducted entirely within a principal or accessory building as allowed by this title; all outside storage is prohibited.
    - b. All waste and recycling containers shall be kept within a principal or accessory building.
  - 3. Minimum Buffer Zone. All principal and accessory buildings occupied by a cannabis business shall be setback a minimum of 500 from any residential district established by chapter 45 of this title.
  - 4. Allowed Hours: The hours of operation for a cannabis business shall be as established by Section of XX-28-4.C.1 of this title.

5. Emissions. An emissions plan shall be submitted with application for a conditional use permit describing the emissions(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises, subject to the following:

- a. Sufficient measures and means of preventing any gas, vapors, odors, smoke, odors, debris, dust, fluids, or other substances from exiting a cannabis business shall be provided at all times.
- b. In the event that any gas, vapors, odors, debris, dust, fluids, or other substances exit a cannabis business, the cannabis business and the owner of the subject property shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
- c. The cannabis business shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

6. Cultivation:

- a. Cannabis cultivation shall not be perceptible from the exterior of the building in which the cultivation occurs.
- b. Lighting:
  - (1) The use of any lighting for indoor marijuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs), or other fluorescent lighting.
  - (2) Use of high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, shall be prohibited.

5. Security:

- a. Burglary alarm systems with audible and sheriff notification components that are professionally monitored and maintained in good working condition shall be installed on all doors, windows, and access points.
- b. Surveillance cameras shall be installed and operate 24 hours a day, seven days a week, with 30 day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises shall be required.
- c. Exterior lighting shall be required sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors.

d. Deadbolt locks shall be installed and utilized on all exterior doors and locks shall be installed on all other windows or access points.

e. Additional security requirements including, but not limited to, security guards, steel doors, and steel window coverings shall be required as determined by the city council.

7. Retail sale of products other than cannabis products as an accessory use shall be allowed subject to approval of separate interim use permit.

**Section 3.** Section XX-16-4.A of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

A. ~~A land use permit issued by Sherburne County shall be required for all properties with wetlands prior to any site disturbance or issuance of a building permit~~Prior to any site disturbance or issuance of a building permit for any property with wetlands, the City Engineer shall determine that there are no wetland impacts or that any wetland impacts are approved in accordance with the provisions of this Section.

**Section 4.** Section XX-16-4.B of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

B. Prior to approval of a preliminary plat or recording of any subdivision, a wetland delineation and any proposed wetland impacts shall be approved by ~~Sherburne County~~the City Engineer.

**Section 5.** Section XX-16-4.C.5 of the Ordinance 900 (General Performance Standards – Wetlands) is hereby amended to read as follows:

5. ~~Administration;—Sherburne County~~The City Engineer shall make all necessary wetland decisions pursuant to the requirements of the Minnesota wetland conservation act.

**Section 6.** Section XX-18-2 of Ordinance 900 (Zoning Ordinance - Accessory Uses, Structures, and Buildings; Accessory Structures and Buildings) is hereby amended to read as follows:

F. ~~Area. Residential~~The area of all detached accessory structures on residential properties are shall be limited to the following area and no variance may be granted to the building size limitations provided in the section:4 percent of the area of the parcel or lot.

| Unplatted Parcel or Lot Area |                        | Maximum Area of Any One Structure | Maximum Lot Coverage for All <u>Detached</u> Accessory Structures |
|------------------------------|------------------------|-----------------------------------|---|
| Unplatted<br>Parcels         | Less than 2.5 acres    | 1,200 square feet                 | 4 <del>percent of lot</del><br>area                               |
|                              | 2.5 acres to 5.0 acres | 1,800 square feet                 |   |
|                              | Greater than 5.0 acres | 5,500 square feet                 |   |
| Platted<br>Lots              | Less than 2.5 acres    | 1,200 square feet                 | 3 <del>percent of lot</del><br>area                               |
|                              | 2.5 acres to 5.0 acres | 1,800 square feet                 |   |

|  |                        |                   |  |
|--|------------------------|-------------------|--|
|  | Greater than 5.0 acres | 5,500 square feet |  |
|--|------------------------|-------------------|--|

Section 7. Chapter 28 of Ordinance 900 (Zoning Ordinance - Reserved) is hereby amended to add the following provisions:

**Chapter 28**  
**CANNABIS BUSINESS USES**

11-28-1: Purpose and Intent; Authority and Jurisdiction

11-28-2: License and Retail Registration

11-28-3: Buffer Zone Required

11-28-4: Performance Standards

11-28-5: Temporary Cannabis Events

11-28-6: Lower Potency Edibles

11-28-7: Use in Public Places

**11-28-1: FINDINGS AND PURPOSE; AUTHORITY:**

A. Findings and Purpose. The city makes the following legislative findings:

1. The purpose of this chapter is to implement the provisions of Minnesota statutes, chapter 342, which authorizes the city to protect the public health, safety, and welfare of residents by regulating cannabis businesses within the city.
2. The city finds that the proposed provisions are appropriate and lawful regulations for the city, that the proposed amendments will promote the interests of the community in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

B. Authority. The city has the authority to adopt this chapter pursuant to:

1. Minnesota statutes, section 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
2. Minnesota statutes, section 342.22, regarding the local registration and enforcement requirements of state licensed cannabis retail businesses and lower potency hemp edible retail businesses.
3. Minnesota statutes, section 152.0263, Subd. 5, regarding the use of cannabis in public places.
4. Minnesota statutes, section 462.357, regarding the authority of a local authority to adopt zoning ordinances.

**XX-28-2: LICENSE AND RETAIL REGISTRATION:**

A. State License. Operation of a cannabis business of the types established by Minnesota statutes, section 324.10 shall require a state license in accordance with Minnesota statutes, section 342.14.

B. Retail Registration. No individual or entity may operate a cannabis retail business within the city without first obtaining approval of a registration in accordance with Minnesota statutes, section 342.22.

**XX-28-3: BUFFER ZONE REQUIRED:**

A. Operation of a retail cannabis business within shall be prohibited within:

1. 1,000 feet of a school;
2. 500 feet of a day care;
3. 500 feet of a residential treatment facility;
4. 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

B. For purposes of this section, the distance of a required buffer between a cannabis retail business and a use identified in section XX-28-3.A of this section shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure the cannabis business is located to the property line of said use.

C. Pursuant to Minnesota statutes, section 462.367, subd. 14, a registered cannabis business established in accordance with the provisions of this chapter or a cannabis business seeking registration from continuing operation at the same site shall not be prohibited if a use identified within section XX-28-3.A of this section a moves within the minimum required buffer zone.

**XX-28-4: PERFORMANCE STANDARDS:** Operation of a registered cannabis business of the types established by Minnesota Statutes, section 324.10 within the city shall comply with the provisions of this title and the following:

A. Building Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 2 of this code.

B. Fire Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 3, of this code.

C. Allowed Hours:

1. Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between the hours of 10:00 A.M. to 9:00 P.M each day, unless extended by approval of an interim use permit.
2. Cannabis businesses other than those specified by section XX-28-4.C.1 of this section shall be allowed to operate 24 each day unless otherwise limited in accordance with the

provisions of this code.

D. Ventilation. A cannabis business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the cannabis business at the property line.

E. Age Limitations. No person under 21 years of age shall be within the cannabis business premises.

F. Public View:

1. All activities of a cannabis business businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling, and storage, shall be conducted out of public view.

2. No cannabis or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

G. Prohibited Activities:

1. Consumption or use of cannabis products onsite of a cannabis retail business is prohibited.

2. There shall be no outdoor events or sales associated with a cannabis business; all such activities shall occur within a principal or accessory building, including temporary structures, as allowed in compliance with this title.

3. No cannabis business shall occupy a residential dwelling unit.

**XX-28-5: TEMPORARY CANNIBIS EVENTS:** In addition to the provisions of Section XX-5-3 of this title, the following conditions shall be required for temporary cannabis events:

A. No sales of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events.

B. No on-site consumption of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events

**XX-28-6: LOWER POTENCY EDIBLES:** The retail sale of lower potency edibles and beverages shall be allowed, subject to the conditions within this section:

A. Age Restrictions. The sale of lower potency edibles is permitted only in places that admit persons 21 years of age or older.

B. Product Storage. Lower potency edibles shall only be sold behind a counter and shall be stored in a locked case.

**XX-28-7: 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 to permit on-site consumption of cannabis products.

**Section 8.** Section XX-61-2 of Ordinance 900 (Zoning Ordinance - C1 District; Permitted Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

C. Cannabis businesses; retail businesses, medical cannabis retailer, and lower potency hemp edible retailer only, subject to the provisions of chapter 28 of this title.

**Section 9.** Section XX-71-4 of Ordinance 900 (Zoning Ordinance - I1 District; Interim Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

D. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer only.

**Section 11.** Section XX-7-2.B.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended read as follows:

12. Wetland information:

- a. Plats with no wetland impacts may submit a routine level 1 wetland delineation, unless waived by ~~Sherburne county~~the City Engineer, based on available information from the national wetland inventory map and county soil survey. Simple plats with potential wetland impacts shall require a routine level 2 wetland delineation for wetlands on the property, subject to approval of ~~Sherburne county~~the City Engineer in accordance with section XX-16-4 of the zoning ordinance.
- b. All plats that are not simple plats must obtain a routine level 2 wetland Delineation for the entire property, ~~the delineation must be approved by the Sherburne County Planning and Zoning Department prior to the township authorizing preliminary plat approval that~~shall be subject to approval of the City Engineer.
- c. If wetland impacts are proposed, either a de minimus exemption or wetland replacement plan must be approved by the City Engineer prior to the township authorizing preliminary plat City Council approval of a preliminary plat.

**Section 12.** Section XX-7-2.c.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended to read as follows:

12. A wetland delineation completed by a Minnesota licensed wetland delineator approved by ~~Sherburne county and the Technical Evaluation Panel~~the City Engineer.

**Section 13.** Ordinance 900 (Zoning Ordinance), Ordinance 910 (Subdivision Ordinance), and Ordinance 920 (Building Ordinance) have been adopted in form and shall be amended by the Zoning Administrator as necessary to revise references to "Baldwin Township", the "Town", "Town" officials, or



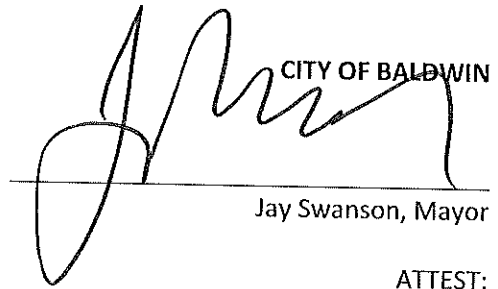
"Town" staff or other relevant terms to address incorporation as the City of Baldwin.

**Section 14.** This ordinance shall be in full effect upon adoption and publication.

*(remainder of page intentionally blank signatures follow)*

ADOPTED by the Baldwin City Council this 16<sup>th</sup> day of December, 2024.

MOTION BY: *Case*  
SECONDED BY: *Rush*  
IN FAVOR: *All*  
OPPOSED: *None*

  
CITY OF BALDWIN  
Jay Swanson, Mayor

ATTEST:  
  
Joan Heinen, City Clerk/Treasurer