

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE 24-012**

**AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE  
ZONING CODE REGARDING ADULT-USE RECREATIONAL  
CANNABIS REGULATIONS**

The City Council of the City of West Saint Paul does ordain:

**SECTION 1. AMENDMENT.** The West St. Paul City Code Section 153.004 is hereby amended as follows:

***CANNABIS CULTIVATOR.*** A business with a cannabis cultivator license, medical cannabis cultivator license, or cultivation endorsement from the State of Minnesota Office of Cannabis Management.

***CANNABIS DELIVERY BUSINESS.*** A business with a cannabis delivery service license or delivery service endorsement from the State of Minnesota Office of Cannabis Management.

***CANNABIS EVENT ORGANIZER.*** A business or individual who are licensed by the State of Minnesota Office of Cannabis Management to organize a temporary cannabis event lasting no more than four days.

***CANNABIS LOUNGE.*** A portion of the premises of a cannabis business or hemp business licensed or endorsed by the State of Minnesota Office of Cannabis Management for on-site consumption of edible cannabis products and lower-potency hemp edibles.

***CANNABIS OR HEMP MANUFACTURER.*** A business with a cannabis manufacturer license, lower-potency hemp edible manufacturing license, or manufacturing endorsement from the State of Minnesota Office of Cannabis Management.

***CANNABIS MEZZOBUSINESS.*** A business licensed and authorized to cultivate, manufacture, and sell cannabinoid products, cannabis products, and other products as authorized with a cannabis mezzobusiness license from the State of Minnesota Office of Cannabis Management pursuant to Minn. Stat. Chapter 342.

***CANNABIS MICROBUSINESS.*** A business licensed and authorized to cultivate, manufacture, and sell cannabinoid products, cannabis products, and other products as authorized with a cannabis microbusiness license from the State of Minnesota Office of Cannabis Management pursuant to Minn. Stat. Chapter 342.

***CANNABIS OR HEMP RETAILER.*** A business with a cannabis retailer license, medical cannabis retailer license, lower-potency hemp edible retailer license, or retail endorsement from the State of Minnesota Office of Cannabis Management.

***CANNABIS PROCESSING BUSINESS.*** A business with a cannabis processor license or processing endorsement from the State of Minnesota Office of Cannabis Management.

***CANNABIS TESTING BUSINESS.*** A business with a cannabis testing facility license or testing endorsement from the State of Minnesota Office of Cannabis Management.

**CANNABIS TRANSPORTER.** A business with a cannabis transporter license or transportation endorsement from the State of Minnesota Office of Cannabis Management.

**CANNABIS WHOLESALER.** A business with a cannabis wholesaler license or wholesaling endorsement from the State of Minnesota Office of Cannabis Management.

**CHILD DAY CARE FACILITY.** A location or facility 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 less than 24 hours per day.

**SECTION 2. AMENDMENT.** The West St. Paul City Code Section 153.051 is hereby amended as follows:

**§ 153.051 CONDITIONAL USES.**

Within any R-1A One-Family Residential District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R District, and accessory structure shall be a minimum of 50 feet from any lot line;
- (B) Essential service structures, including, but not limited to, buildings, such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations and electrical power substation provided no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting the permit it shall be found that the architectural design of essential service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare;
- (C) Nursing homes, retirement homes, and other similar state licensed residential care uses.
  - (1) For nursing homes the site shall contain not less than 1,000 square feet of lot area for each person to be accommodated and buildings for uses described in this division are 50 feet or more from a lot line of an abutting lot in an R-1, R-2 or R-3 District.
  - (2) For retirement homes, and other similar state licensed residential care uses, the site shall contain not less than 3,500 square feet of lot area per dwelling unit. Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.
  - (3) All parking for facilities in this section shall comply with §§ 153.345 et seq.
- (D) A state licensed child day care facility serving 13 or more provided that the conditional use be in structures at least 50 feet of any lot line of an abutting lot in an R District and that a fence be erected 15 feet or more from any street right-of-way where the intended use is for open play;
- (E) Off-street parking when the proposed site of the off-street parking abuts on a lot which is in the B or I District and is in the same ownership as the land in the B or I District and

subject to those conditions set forth in §§ 153.345 through 153.351, and other conditions as found necessary by the City Council to carry out the intent of this chapter;

- (F) School buildings which are a part of the physical system of the school district but which are considered temporarily in surplus may be used as research centers, offices not directly serving the public or for some form of educational activity provided:
  - (1) The off-street parking requirements are met; and
  - (2) The work day of the use falls between 7:00 a.m. and 7:00 p.m.
- (G) Commercial buildings which have previously been classified and certified as nonconforming uses at the time of the effective date of this chapter may be used as the same nonconforming or less intense use provided:
  - (1) The off-street parking requirements for the use are met;
  - (2) The hours of operation of the use shall be determined by the City Council;
  - (3) The structure is significant to the neighborhood and its continued active use will not be detrimental to the value of quiet enjoyment or surrounding residential properties; and
  - (4) The use would be normally allowed as a permitted use in the B-2 Neighborhood Business District.
- (H) Satellite dish antennas greater than one meter (39 inches) in diameter. See § 153.396.
- (I) Bed and breakfast residence.
- (J) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility.
- (K) On-site residential housing for an educational facility operating in conjunction with a permitted principal use, provided:
  - (1) Housing structures are limited to three stories in height;
  - (2) The number of on-site residents is limited to 200; and
  - (3) Housing structures must meet the building setback requirements from adjacent property lines as outlined in § 153.128.
- (L) Columbaria, provided they are located on the same property as an existing church, and located a minimum of 50 feet from any property line.
- (M) Accessory structures exceeding the allowable maximum size per § 153.380(F)(3)(b).
- (N) Small wireless facilities, as defined in § 95.15, that are located in the right-of-way, and comply with the provisions of § 95.24.
- (O) Banquet halls, provided:
  - (1) The use is accessory to a public or private golf course; and
  - (2) The building and/or any outdoor facilities in which the banquet hall is located shall be a minimum of 100 feet from residentially zoned property.
- (P) Solar carport, provided:

- (1) The solar carport use is accessory to the principal use of the property.
- (2) The solar carport does not exceed 50% of the respective parking area on which it is located.
- (3) The solar carport otherwise complies with § 153.380.

**SECTION 3. AMENDMENT.** The West St. Paul City Code Section 153.155 is hereby amended as follows:

**§ 153.155 PERMITTED USES.**

Within the B-2 Neighborhood Business District, no structure or land shall be used except for one or more of the following uses, or uses deemed similar by the City Council:

- (A) Any permitted use regulated in the B-1 District, § 153.140; and/or
- (B) The following neighborhood retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding neighborhood:
  - (1) Antique store;
  - (2) Appliance store;
  - (3) Art and school supply store;
  - (4) Bakery good sales and baking of goods for retail sales on premises, but not to include hemp or cannabis related items;
  - (5) Bank;
  - (6) Bicycle sales and repair;
  - (7) Books, new or used, office supply and stationery store;
  - (8) Camera and photographic supply store;
  - (9) Cannabis event organizer, except that temporary cannabis events are not permitted in this district;
  - (10) Candy, ice cream, popcorn, nuts, frozen desserts and soft drink shop, but not to include hemp or cannabis related items, and not with a drive-through;
  - (11) Clothing store;
  - (12) Delicatessen and/or dairy store;
  - (13) Drugstore;
  - (14) Dry cleaning and laundry pick up stations including incidental pressing and repair;
  - (15) Health club under 4,000 square feet;
  - (16) Florist store;
  - (17) Gift shop;
  - (18) Grocery store;
  - (19) Hardware store;

- (20) Hobby or craft store including handicraft classes not to exceed ten students;
- (21) Jewelry sales and repair store;
- (22) Laundromat of self service type;
- (23) Library;
- (24) Massage therapy services;
- (25) Meat market, but not including processing for a locker;
- (26) Music store;
- (27) Newsstand;
- (28) Paint, wallpaper sales;
- (29) Picture framing store;
- (30) Pipe and tobacco store;
- (31) Restaurant, café, tea room;
- (32) Shoe sales and repair;
- (33) Small appliance repair;
- (34) Sporting goods store;
- (35) Tailor shop;
- (36) Tanning salon;
- (37) Reflexology services; and
- (38) Spa.

**SECTION 4. AMENDMENT.** The West St. Paul City Code Section 153.156 is hereby amended as follows:

**§ 153.156 CONDITIONAL USES.**

Within the B-2 Neighborhood Business District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Any conditional use regulated in the B-1 District, § 153.141;
- (B) Accessory structures other than private garages;
- (C) Mixed use residential/commercial;
- (D) Funeral homes and mortuaries;
- (E) On-sale liquor establishments;
- (F) Outdoor seating, subject to following provisions:
  - (1) Seating areas shall be shown on a seating plan, identifying the number of tables and chairs and their approximate location.
  - (2) Seating areas shall be located on private property.

- (3) Seating areas shall not obstruct required accesses, entrances or exits.
- (4) A minimum of a four-foot walkway shall be provided between tables.
- (5) If the principal use abuts a residential zoning district, outdoor electronic speaker devices shall not be operated between 9:00 p.m. and 7:00 a.m. For all other zoning districts, outdoor electronic speaker devices shall not be operated between 10:00 p.m. and 7:00 a.m.
- (6) Tables and chairs shall be maintenance free furniture that enhances the appearance of the business.
- (7) No food or beverages shall be served outside of the seating area.
- (8) Lighting shall only illuminate the seating area. Lighting levels must not exceed zero foot-candles at the abutting property line.
- (9) All tables and chairs shall be kept in a clean and sanitary manner. Outdoor trash receptacles shall be provided.
- (10) For outdoor seating areas for up to eight seats:
  - (a) No tables, chairs or other furnishings shall remain in the seating area when the business is closed;
  - (b) No additional parking spaces shall be required; and
  - (c) No alcoholic beverages shall be served in the seating area, except for non-fortified wine.
- (11) For outdoor seating areas for more than eight seats:
  - (a) The seating area shall be enclosed by approved landscaping and fencing;
  - (b) The outdoor seating area shall be entered only through the principal building. There shall be no exit gates from the outdoor seating area unless required by the Building Code;
  - (c) In addition to the required number of parking spaces pursuant to the principal use, additional parking shall be required at a ratio of one parking space for every four seats in the outdoor seating area; and
  - (d) Signage shall be posted that prohibits the consumption of alcohol outside of the seating area.
- (G) Private lodges and clubs, country clubs or fraternal organizations;
- (H) Veterinary establishments limited to domestic animals and conducted entirely within a building;
- (I) Any building over 35 feet in height;
- (J) Car washes, as regulated in § 153.382;
- (K) Motor fuel stations, as regulated in § 153.382;
- (L) Vehicle repair, minor, as regulated in § 153.382;
- (M) Used merchandise stores, provided all of the following conditions are met.

- (1) Used merchandise is limited to clothing and related accessories.
  - (2) The transfer or sale of merchandise is conducted entirely inside a building.
  - (3) There is no outdoor storage of any kind.
  - (4) The floor area for the use is no greater than 2,000 square feet.
- (N) Tattoo, body piercing or body art establishment, except spa establishments engaged solely in cosmetic tattooing as defined in § 111.06;
- (O) Off sale liquor stores; and
- (P) Specialty lower-potency hemp edible retailers, as defined in § 114.02, provided that the establishment is located at least:
- (1) One thousand feet, when measured in a straight line from the building in which the establishment is located to the property line of a school as defined in Chapter 114.
- (Q) Cannabis Retail Businesses, as defined in § 115.02, provided the establishment is located at least:
- (1) One thousand feet, when measured in a straight line from the building in which the establishment is located to the property line of a school as defined in Chapter 115.02.

**SECTION 5. AMENDMENT.** The West St. Paul City Code Section 153.158 is hereby amended as follows:

**§ 153.158 PERMITTED ACCESSORY USES.**

Within the B-2 Neighborhood Business District, the following uses shall be permitted accessory uses:

- (A) Any permitted accessory use regulated in the B-1 District, § 153.143; and
- (B) Any incidental repair, processing or storage necessary to conduct a permitted principal use provided the use shall not occupy more than 30% of the gross floor area of the principal building, not to include processing or cultivation of cannabis and/or hemp related items.

**SECTION 6. AMENDMENT.** The West St. Paul City Code Section 153.171 is hereby amended as follows:

**§ 153.171 CONDITIONAL USES.**

Within the B-3 General Business District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Any conditional use regulated in the B-2 District, § 153.156, with the exception of use merchandise stores;
- (B) Armories, convention halls, sport arenas and stadiums;
- (C) Motor vehicle sales, as regulated in § 153.382;

- (D) Bingo halls, provided that the establishment is located at least 600 feet when measured in a straight line from the building on which the establishment is located, to the property line from the following:
  - (1) Residentially zoned property;
  - (2) Agricultural land in the neighboring city, which is designated in the Comprehensive Plan for residential use;
  - (3) A licensed child day care facility;
  - (4) A public or private educational facility classified as an elementary, middle, junior high or senior high school; or
  - (5) A church.
- (E) Bowling alleys, billiard and pool rooms, skating rinks, dance halls, batting cages and similar uses provided the structure in which the use is similar shall not be located within 100 feet of any R-1 or R-2 District;
- (F) Bus terminals;
- (G) Drive-through lanes, subject to the following provisions:
  - (1) They are not permitted in a front yard or within the setback area from the front lot line.
  - (2) Stacking space of no less than 180 feet shall be provided to assure that all vehicles awaiting service shall be parked on the premises and do not interfere with other driving areas, parking spaces, or sidewalks.
  - (3) Electronic speaker devices must not violate the noise pollution performance standards set forth in this chapter.
  - (4) Screening of automobile headlights must be provided. Screening must be at least three feet in height and fully opaque, consisting of a wall, fence, dense vegetation, berm or grade change or similar screening as determined by the city.
  - (5) A by-pass lane must be provided, allowing autos to exit the drive-through lane from the stacking area.
- (H) Learning center, business or trade school when conducted entirely within a building;
- (I) Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop, provided they do not employ more than six persons in repair or processing;
- (J) Movie theaters but not the drive-in type;
- (K) Outdoor display or storage of items at retail establishments such as building material yard, commercial greenhouse and mobile home sales;
- (L) Pawnshops, provided that the establishment is located at least 800 feet, when measured in a straight line from the building on which the establishment is located to the property line, from the following:
  - (1) Residentially zoned property;

- (2) Agricultural land located in the neighboring city which is designated in the Comprehensive Plan for residential use;
  - (3) A licensed child day care facility;
  - (4) A public or private educational facility classified as an elementary, middle, junior high or senior high school;
  - (5) A church; or
  - (6) A pawnshop.
- (M) Stone and monument sales;
- (N) Tattoo, body piercing or body art establishment, except spa establishments engaged solely in cosmetic tattooing as defined in § 111.06, provided that they are located at least 800 feet, as measured in a straight line from the building on which the establishment is located to the property line, from the following:
- (1) Residentially zoned property;
  - (2) Agricultural land located in the neighboring city which is designated in the comprehensive plan for residential use;
  - (3) A licensed day care or day care center;
  - (4) A public or private educational facility classified as an elementary, middle, junior high or senior high school;
  - (5) A church; or
  - (6) A tattoo, body piercing or body art establishment.
- (O) Motor vehicle rentals, as regulated in § 153.382;
- (P) A church existing as of the date of this section may be permitted a one-time expansion subject to approval of a site plan submitted pursuant to § 153.050;
- (Q) Columbaria, provided they are located on the same property as an existing church and located a minimum of 30 feet from any property line.
- (R) Banquet halls, provided:
- (1) The use is accessory to a restaurant; and
  - (2) The building and/or any outdoor facilities in which the banquet hall is located shall be a minimum of 100 feet from residentially zoned property.

**SECTION 7. AMENDMENT.** The West St. Paul City Code Section 153.190 is hereby amended as follows:

**§ 153.190 PERMITTED ACCESSORY USES.**

Within the B-4 Shopping Center District, the following uses shall be permitted accessory uses:

- (A) Any permitted accessory use regulated in the B-3 District, § 153.173; and

- (B) Any incidental repair or processing necessary to conduct a permitted use shall not exceed 20% of the floor space of the principal building, not to include processing or cultivation of cannabis and/or hemp related items.

**SECTION 8. AMENDMENT.** The West St. Paul City Code Section 153.236 is hereby amended as follows:

**§ 153.236 CONDITIONAL USES.**

Within the I-1 Light Industrial District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Uses which are permitted under § 153.235, which could involve the storage or use of materials that explode;
- (B) Essential service structures;
- (C) Radio or television transmission towers;
- (D) Satellite dish antennas greater than one meter (39 inches) in diameter. See § 153.396;
- (E) Open storage, provided all of the following conditions are met.
  - (1) Open storage shall be accessory to the principal use conducted within a building and shall not be a principal use by itself such as junk yards or contractors' storage yards.
  - (2) Open storage shall be limited to an area not larger than 50% of the ground coverage of the principal building and shall be located behind the principal building and not in side or front yard areas and not abutting a public street.
  - (3) Open storage areas shall be surfaced with concrete or asphalt and shall be subject to the screening provisions of § 153.209(C).
  - (4) If a Residential District abuts the property, the open storage area shall be setback from the property line on the side at least 50 feet.
- (F) Accessory structures;
- (G) Motor vehicle sales or rental when display and storage is entirely within a building;
- (H) Tattoo, body piercing or body art establishment, except spa establishments engaged solely in cosmetic tattooing as defined in § 111.06;
- (I) Pawnshops, provided they meet the conditions in § 153.171.
- (J) Bingo halls, provided they meet the conditions in § 153.171(D).
- (K) Pyrotechnic special effects material storage that weighs in excess of 125 pounds, which can be increased to 250 pounds, if the pyrotechnic special effects material is stored in a building that has automatic sprinklers. The weight of material shall be determined by the standards set forth by the National Fire Protection Association;
- (L) Learning center, business or trade school when conducted entirely within a building;
- (M) Hospitals;

- (N) Chemical dependency treatment facility serving a total of up to 16 persons. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure. The facility shall be located at least 600 feet, when measured in a straight line from the property line in which the facility is located to the property line of the following:
  - (1) A licensed child day care facility;
  - (2) A public or private educational facility classified as an elementary, middle, junior high or senior high school; or
  - (3) Single-family or two-family use.
- (O) Sexually-oriented establishment, as regulated by §§ 153.455 through 153.459;
- (P) Dog training facility, provided all of the following conditions are met.
  - (1) Any such facility shall be set back at least 500 feet from residentially zoned property, as measured in a straight line from the nearest edge of the outdoor training area to the property line of residentially zoned property.
  - (2) Outdoor training facilities shall include an enclosed building with restrooms.
  - (3) The outdoor area to be used for the dog training facility shall be completely enclosed with a fence that is at least four feet in height.
  - (4) Adequate off-street parking shall be provided, as determined by the Zoning Administrator.
  - (5) Outdoor areas shall be maintained in a clean and sanitary condition at all times. Solid waste material shall be removed at least daily and disposed of in a sanitary manner.
  - (6) Lighting shall not exceed zero foot-candles at the abutting property line.
  - (7) The facility shall not be operated between 10:00 p.m. and 7:00 a.m.
  - (8) No dogs shall remain unattended in outdoor areas.
  - (9) No permanent outdoor pens are allowed with the exception of a separate outdoor relief area.
  - (10) A maximum ratio of one person to four dogs is allowed in the outdoor areas at any given time.
- (Q) Used merchandise stores;
- (R) Learning center, business or trade school when conducted entirely within a building;
- (S) State-licensed adult day care facilities; and
- (T) Solar carport, provided:
  - (1) The solar carport use is accessory to the principal use of the property.
  - (2) The solar carport does not exceed 50% of the respective parking area on which it is located.
  - (3) The solar carport otherwise complies with § 153.380.

- (U) Cannabis cultivator, cannabis manufacturer, or lower-potency hemp edible manufacturer, provided:
  - (1) All cultivation and/or manufacturing is located inside the primary building and does not exceed 15,000 square feet of floor area, and
  - (2) There is no outdoor storage of product or materials.
- (V) Cannabis mezzo and micro businesses, provided:
  - (1) Retail sales must be limited to an accessory use, and
  - (2) If the site does include any retail sales, the establishment is located at least 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line, of a school as defined in Chapter 114.
- (W) Cannabis lounge, provided:
  - (1) The cannabis lounge is an accessory use to a licensed and registered microbusiness, and
  - (2) The establishment is located at least one thousand feet, when measured in a straight line from the building in which the establishment is located to the property line of a school as defined in Chapter 115.02.
- (X) Cannabis testing facility.
- (Y) Cannabis wholesaler, provided there is no outdoor storage of product or materials.

**SECTION 9. AMENDMENT.** The West St. Paul City Code Section 153.237 is hereby amended as follows:

**§ 153.237 PERMITTED ACCESSORY USES.**

Within the I-1 Light Industrial District, the following uses shall be permitted accessory uses:

- (A) Signs: see §§ 153.430 through 153.438 and §§ 150.105 through 150.110.
- (B) Off-street parking and loading: see §§ 153.345 through 153.351.
- (C) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use; and
- (D) On-site residential housing owned and operated in conjunction with a permitted principal use.
- (E) Cannabis delivery and transporter services, provided there is no outdoor storage of product or materials.

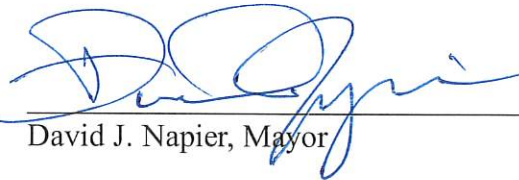
**SECTION 10. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire

ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance establishes zoning regulations for cannabis and lower-potency hemp edible uses, allowing commercial uses such as cannabis retail, lower-potency hemp edible retailer, and cannabis event organizers to operate in the B2, B3, and B4 commercial zoning districts. This ordinance also allows cultivation and production uses like cannabis cultivator, cannabis manufacturer, or lower-potency hemp edible manufacturer, cannabis wholesaler, cannabis testing facility, cannabis delivery/transporter, and micro/mezzo businesses, including microbusinesses with a cannabis lounge, to operate in the I1 and I2 industrial zoning districts.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

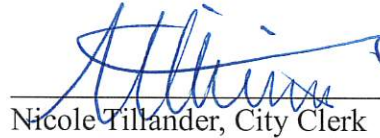
Passed by the City Council of the City of West St. Paul Minnesota this 25<sup>th</sup> day of November 2024.



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David J. Napier, Mayor

Attest:



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Nicole Tillander, City Clerk