

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. _____

**AN INTERIM ORDINANCE AUTHORIZING A STUDY,
PLACING A MORATORIUM ON INDOOR GROWTH
FACILITIES, AND ESTABLISHING INTERIM REGULATIONS**

The Board of Supervisors of the Town of Denmark ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance is to impose, pursuant to Minnesota Statutes, section 462.355, subdivision 4, a moratorium on the establishment or expansion of cannabis manufacturer businesses and hemp manufacturer businesses within the Commercial Industrial (CI) District, on the establishment or expansion of indoor growth facilities within any zoning district, and to impose a temporary regulation on how the buffer distances related to cannabis businesses are measured during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the Town.

Section 2. Definitions. For the purposes of this ordinance, the following terms shall have the meanings given them in this section. Any term not defined in this section shall have the meaning given it in the Development Code, and if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statute or Rule.

- (a) Development Code. “Development Code” means the most current enactment of the Denmark Township Development Code.
- (b) Existing Facility. “Existing facility” means, with respect to a cannabis manufacturer, hemp manufacturer, or an indoor growth facility, an existing structure that is lawfully being used for a cannabis manufacturer business, hemp manufacturer business, or an indoor growth facility prior to the effective date of this ordinance. A facility cannot be considered an existing facility unless all required licenses, permits, and permissions for the structure and its use were obtained prior to the adoption of this ordinance
- (c) Expansion. “Expansion” means, with respect to an existing cannabis manufacturer, hemp manufacturer, or indoor growth facility, a proposal to expand (either horizontally or vertically) an existing facility in which the products are grown or manufactured, or to add any additional structures for the growth or manufacturing of products. The term does not include on-going indoor growth or manufacturing activities within an existing facility, provided such activities are in accordance with its current permit and all applicable laws.
- (d) Indoor Growth Facility. “Indoor growth facility” means a structure used for the growth of products in controlled, or partially controlled, conditions using natural or artificial light sources, or a combination of light sources, for such activities such as, but not limited to, commercial agriculture, horticulture, or cultivation. Indoor growth facilities

may include, but are not limited to, structures such as greenhouses, warehouses, containers, or similar structures used for growing products.

- (e) Ordinance. “Ordinance” means this interim ordinance imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (f) Planning Commission. “Planning Commission” means the Denmark Township Planning Commission.
- (g) Products. “Products” mean any variety of plant, crop, hemp, cannabis, mold, or fungus.
- (h) Town. “Town” means Denmark Township, Washington County, Minnesota.
- (i) Town Board. “Town Board” means the board of supervisors of Denmark Township, Washington County, Minnesota.

Section 3: Legislative Findings. The Town Board hereby finds and determines as follows:

- (a) The Town is a “municipality” for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462, and it has exercised its authority pursuant to that Chapter to adopt zoning regulations as part of the Development Code.
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the Town Board to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the Town.
- (c) The Development Code currently allows a broad range of commercial agriculture and commercial horticulture in the Town, as well as the related agricultural buildings and agricultural related accessory structures.
- (d) The Development Code also allows, as mandated by Minnesota Statutes, section 342.13, cannabis businesses as allowed uses within certain districts within the Town, including cannabis manufacturer businesses and hemp manufacturer businesses.
- (e) The Town has recently heard a proposal to convert an existing building in the Commercial Industrial (CI) District to an indoor growth facility for a cannabis cultivation businesses.
- (f) The Town Board did not fully contemplate the interest in converting existing structure to use as indoor growth facilities when adopting its regulations on cannabis businesses. Further, the Town Board recognizes an increasing interest in growing plants and other items in the controlled environments provided by indoor growth facilities. The proposal also raised questions about where it is appropriate to allow certain uses given their potential impacts on surrounding properties, particularly in the Commercial Industrial (CI) District and how the buffer zones established for cannabis businesses are to be measured.

- (g) Given the increased interest in the use of indoor growth structures for commercial purposes, the Town Board determines it is in the best interests of the Town to study indoor growth facilities, their potential impacts, and in which zoning districts they should be allowed to better protect its residents and property owners. The Town Board also determines it needs to study whether cannabis and hemp manufacturer businesses should be located in more or different zoning districts than they are currently allowed under the Development Code.
- (h) The Town Board determines it is in the best interests of the Town to impose a temporary moratorium on cannabis manufacturers and hemp manufacturers in the Commercial Industrial (CI) District, and on indoor growth facilities throughout the Town to protect the planning process while it considers whether to amend its Development Code related to this issues and, if so, to allow time to draft and adopt such amendments.
- (i) The Town Board is not aware of any current proposals to establish or expand a cannabis manufacturer business, a hemp manufacturer business, or an indoor growth facility in the Town.
- (j) The Town Board further determines there is a need to temporarily clarify how the buffer distances established in the Development Code are to be measured while the Town studies the issue and determines language for a permanent amendment.
- (k) While the Town Board conducts its study, and potentially works to develop amendments to the Development Code, it is appropriate to place a moratorium on the establishment or expansion of cannabis manufacturer businesses, hemp manufacturer businesses, and indoor growth facilities to protect the planning process and the health, safety and welfare of the Town's residents.

Section 4. Study Authorized. The Town Board shall conduct a study of cannabis manufacturers, hemp manufacturers, indoor growth facilities, and how buffer distances are to be measured as provided in this section. The Town Board may call upon the Planning Commission for assistance in conducting the study. The study shall include consideration of the following with respect to cannabis manufacturers, hemp manufacturers, and indoor growth facilities: compatibility the uses with other allowed uses; potential impacts of the establishment or expansion of these uses on other properties; the adequacy of existing regulations on these uses; should these uses be allowed in different or additional zoning districts, the most appropriate method for measuring the established buffer distances, and whether the Town should amend the Development Code regarding these uses to avoid or minimize negative impacts to surrounding properties and the public health, safety, and welfare.

Section 5. Moratorium. A moratorium is hereby imposed on: (a) the establishment or expansion of a cannabis manufacturer or hemp manufacturer business in the Commercial Industrial (CI) District; and (b) on the establishment or expansion of an indoor growth facility within the Town. During the period of this ordinance, it shall be prohibited for any person to: (a) establish or

expand a cannabis manufacturer business or a hemp manufacturer businesses in the Commercial Industrial (CI) District; or (b) to establish or expand an indoor growth facility within any zoning district within the Town. Town staff and consultants are prohibited from accepting, processing, or approving a request for a permit related to a use subject to the moratorium imposed by this ordinance.

Section 6. Exceptions. The moratorium imposed by this ordinance does not apply to any of the following:

- (a) The continued use of an existing indoor growth facility to continue growing products that have actively been grown during their the normal growth period within the last 12 months;
- (b) Non-commercial indoor growth facilities used to grow products for the personal consumption of those living on the property; or
- (c) The combined size of all indoor growth facilities on a property does not exceed 200 square feet.

Section 7. Interim Regulations. The buffer distances established in Chapter Two, Part 3, Section 8.6(1) of the Development Code related to the placement of cannabis businesses shall be measured from the closest property line of the property on which the proposed cannabis business is to be located to the closest property line containing the use to which the buffer distance applies or, in the case of an attraction within a public park, to the nearest point of the attraction. This method of measuring the buffer shall be implemented for all new cannabis businesses.

Section 8. Application and Duration. This Ordinance shall remain in effect for eight (8) months from the date of its adoption, until it is expressly repealed by Town Board resolution, or until the effective date of an ordinance amending the Development Code to address indoor growth facilities, whichever occurs first. All inquiries regarding the application of this Ordinance shall be submitted to the Town in writing and the Town Board's decision regarding the matter shall be final. As part of interpreting this Ordinance, the Town Board may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.

Section 9. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The Town may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the Town from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 10. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part

of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

Section 11. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this ____ day of _____ 2026.

BY THE TOWN BOARD

John Strohfus, Chairperson

Attest:_____
Jessica Maurer, Clerk-Treasurer