

AGENDA  
HARMONY PLANNING & ZONING COMMISSION  
Regular Meeting

February 4<sup>th</sup>, 2026  
8:00 P.M.

Council Room  
Community Center

1. Call To Order
2. Roll Call
3. Public Forum
4. Consent agenda:
  - a. December Minutes
5. Old Business: Cannabinoid Ordinance Discussion
6. Adjourn



MINUTES  
HARMONY PLANNING & ZONING COMMISSION  
Regular Meeting

December 3, 2025  
8:00 P.M.

Council Room  
Community Center

Meeting was called to order by Jesse Grabau at 8:02 p.m.

P & Z Board Members Present: Miles Petree, Erik Olson, Jim Strozyk, Jesse Grabau and Rod Johnson. Also present was EDA Director Katrina Hurley, City Administrator Alissa Stelpflug, Aaron Bishop, Amy Bishop, Ann Lyons, Roxanne Johnson and Dennis DeKeyrel.

CONSENT AGENDA: Board member Petree motioned to approve the consent agenda which consisted of minutes from the previous meetings in October and November 2025. Board member Olson seconded the motion. A vote was held. All in favor. Motion carried.

Upon no further business, Board Member Grabau adjourned the meeting at 8:03 pm.

City of Harmony  
County of Fillmore  
State of Minnesota

Ordinance No. \_\_\_\_

## **AN ORDINANCE OF THE CITY OF HARMONY TO REGULATE CANNABIS BUSINESSES**

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Use of Cannabis in Public

The city council of the City of Harmony hereby ordains:

### **Section 1. Administration**

#### **1.1 Findings and Purpose**

City of Harmony makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes City of Harmony to protect the public health, safety, welfare of City of Harmony residents by regulating cannabis businesses within the legal boundaries of City of Harmony.

The City of Harmony finds and concludes that the proposed provisions are appropriate and lawful land use regulations for City of Harmony, that the proposed amendments will promote the community's interest 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.

#### **1.2 Authority & Jurisdiction**

The City of Harmony has the authority to adopt this ordinance pursuant to:

- a. Minn. Stat. 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.
- b. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.

- d. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the City of Harmony.

The City of Harmony has delegated cannabis retail registration authority to Fillmore County. However, the City of Harmony may adopt ordinances under Sections 2.6, 3 and 4 if Fillmore County has not adopted conflicting provisions.

#### 1.3 **Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### 1.4 **Enforcement**

The City Council of the City of Harmony is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

#### 1.5 **Definitions**

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

- a. **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.
- b. **Cannabis Retail Businesses:** A 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.
- c. **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.
- d. **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 24-hour day.
- e. **Local Registration Authority:** The City of Harmony, unless the City of Harmony has provided written consent to Fillmore County to issue the

registration, in which case the local registration authority shall be Fillmore County.

- f. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
- g. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
- 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: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 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 Minn. Stat. 245.462 subd. 23.
- l. Retail Registration: An approved registration issued by the City of Harmony to a state-licensed cannabis retail business.
- m. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
- n. State License: An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

## **Section 2. Registration of Cannabis Businesses**

### **2.1 Consent to registering of Cannabis Businesses**

No individual or entity may operate a state-licensed cannabis retail business within the City of Harmony without first registering with the Local Registration Authority.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

### **2.2 Compliance Checks Prior to Retail Registration**

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the Local Registration Authority shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

## 2.3 Registration & Application Procedure

### 2.3.1 Fees.

City of Harmony shall not charge an application fee.

A registration fee, as established in the Local Registration Authority's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

### 2.3.2 Application Submittal.

The Local Registration Authority shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the Local Registration Authority. Said form shall include, but is not limited to:
  - i. Full name of the property owner and applicant;
  - ii. Address, email address, and telephone number of the applicant;
  - iii. The address and parcel ID for the property which the retail registration is sought;
  - iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- (B) The applicant shall include with the form
  - i. the registration fee as required in Section 2.3.1;
  - ii. a copy of a valid state license or written notice of OCM license preapproval.
- (C) Once an application is considered complete, the Local Registration Authority shall inform the applicant as such, process the application fees, and forward the application to the Harmony City Council for approval or denial.
- (D) The application fee shall be non-refundable once processed

### 2.3.3 Application Approval.

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.

**Commented [GS1]:** Include this optional provision if desiring to minimize number of cannabis retail locations in Harmony if already present elsewhere in the County.

- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

***2.3.4 Annual Compliance Checks.***

The Local Registration Authority shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

The Local Registration Authority shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

***2.3.5 Location Change***

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of City of Harmony.

**2.4 Renewal of Registration**

The Local Registration Authority shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the Local Registration Authority.

A cannabis retail registration issued under this ordinance shall not be transferred.

***2.4.1 Renewal Fees.***

The Local Registration Authority may charge a renewal fee for the registration starting at the second renewal, as established in the Local Registration Authority's fee schedule.

***2.4.2 Renewal Application.***

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Proof of an active business liability insurance policy
- Other

**Commented [GS2]:** Consider whether there is anything else the City may desire.

## 2.5 Suspension of Registration

### 2.5.1 When Suspension is Warranted.

The City of Harmony may suspend a cannabis retail business's registration if it violates the ordinance of City of Harmony or poses an immediate threat to the health or safety of the public. The City of Harmony shall immediately notify the cannabis retail business in writing the grounds for the suspension.

### 2.5.2 Notification to OCM.

The City of Harmony shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide City of Harmony and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

### 2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Harmony may reinstate a registration if it determines that the violations have been resolved.

The City of Harmony shall reinstate a registration if OCM determines that the violation(s) have been resolved.

### 2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Harmony may impose a civil penalty, as specified in the City of Harmony's Fee Schedule, for registration violations, not to exceed \$2,000.

## 2.6 Limiting of Registrations

OPTION 1: The City of Harmony shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within the City of Harmony.

If Fillmore County has one active cannabis retail businesses registration for every 12,500 residents, the City of Harmony shall not be required to register additional state-licensed cannabis retail businesses.

OPTION 2: The City of Harmony shall limit the number of cannabis retail businesses to (insert number <= minimum required).

**Commented [GS3]:** Discuss whether you want to limit the number of RETAIL businesses within city limits. If yes, we can limit it to as few as one RETAIL business, or we can possibly prevent them entirely if you instead want to refer to Fillmore County density and prohibit if it would result in more than 2 within the County.

## Section 3. Requirements for Cannabis Businesses

### 3.1 *Minimum Buffer Requirements*

The City of Harmony shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

**Commented [GS4]:** For this section, choose the desired distance from within the ranges provided.

The City of Harmony shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

The City of Harmony shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

The City of Harmony shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

### 3.2 *Zoning and Land Use*

#### 3.2.1. *Cultivation*.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

**Commented [GS5]:** Choose “Primary” or “Conditional”. Primary means automatically allowed if it meets all other conditions of ordinance. Conditional means it gets a special review from city council, together with public hearing, prior to be approved or denied. Same comment applies to all items in this section 3.2

- Agricultural

#### 3.2.2. *Cannabis Manufacturer*.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a type of use in the following zoning districts:

- Industrial

#### 3.2.3. *Hemp Manufacturer*.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a type of use in the following zoning districts:

- Industrial

#### *3.2.4. Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a **type of use** in the following zoning districts:

- Industrial

#### *3.2.5. Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a **type of use** in the following zoning districts:

- Commercial

#### *3.2.6. Cannabis Transportation.*

Cannabis businesses licensed or endorsed for transportation are permitted as a **(type of use)** in the following zoning districts:

- Industrial

#### *3.2.7. Cannabis Delivery.*

Cannabis businesses licensed or endorsed for delivery are permitted as a **type of use** in the following zoning districts:

- Commercial
- Industrial

### **3.3 Hours of Operation**

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8 a.m. and 2 a.m. the following day.

**Commented [GS6]:** Choose whether you are comfortable with these hours, or whether you would like to limit them further. Note, that you have to allow them to be open between 10am - 9pm. All other hours can be restricted.

### **Section 4. 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 adult-use.