

ORDINANCE NO. 999

AN ORDINANCE ENTITLED: AN ORDINANCE IN REVISION OF TITLE 12 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA BY ADDING CHAPTER 12.05 THERETO AND AMENDING SECTION 12.0 PERMITTED USES.

BE IT ORDAINED by the City Council of the City of Mobridge, South Dakota: that CHAPTER 12 GENERAL COMMERCIAL DISTRICT (GC) 12.02 Permitted Uses shall be amended by adding language in bold and underline font:

**Z. Cannabis Dispensary**

BE IT FURTHER ORDAINED by the City Council of the City of Mobridge, South Dakota: that CHAPTER 12 GENERAL COMMERCIAL DISTRICT (GC) of the Zoning Ordinances of the City of Mobridge, be amended by adding Chapter 12.05 thereto by adding the following in bold and underline font:

**CHAPTER 12.05 CANNABIS DISPENSARIES.**

**1. Maximum Number of Cannabis Dispensaries.**

- a. **In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.**
- b. **The City of Mobridge shall allow up to two cannabis dispensaries provided the time, place, and manner of said dispensaries comply with this ordinance.**

**2. Required Separation Distances**

- a. **A cannabis dispensary shall be located not less than 1500 feet from a public or private school, daycares, parks and churches existing before the date of the cannabis dispensary application;**
- b. **Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:**
  - i. **The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.**

**c. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed**

**3. Other Locational Requirements**

**a. Permanent or temporary dispensaries are prohibited in all zoning districts other than General Commercial and are not eligible for a home occupation use.**

**b. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.**

**4. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.**

**5. Hours of operation:**

**a. Cannabis dispensaries are allowed to be open between the hours of 8:00 A.M. and 6:00 P.M. on Monday, Tuesday, Wednesday, Thursday and Friday each week.**

**6. Documentation of State Licensure.**

**a. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.**

**7. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:**

**a. Submission of a site plan containing the following:**

**i. Any information required for applicable building permit,**

**ii. Ingress and egress plan**

**iii. Parking plan**

**iv. Lighting plan (including security lighting)**

**v. Screening/security fencing plan,**

**vi. Refuse plan;**

**vii. Hours of Operation;**

**viii. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance**

**b. Documentation of ability to meet setback/separation requirements.**

**c. Documentation of State Licensure.**

**8. All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.**

APPROVED: \_\_\_\_\_  
Mayor

Passed First Reading: \_\_\_\_\_  
Passed Second Reading: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Finance Officer

(SEAL)