

ORDINANCE NO. 2021-08

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE IV CHAPTER 4.02 "COMMERCIAL / INDUSTRIAL DISTRICTS" SECTION 4.02.02 ADOPTED BY ORDINANCE 2018-03. AN ORDINANCE TO ADD ARTICLE III, SECTION 3.03.02 "PROHIBITED USES." AN ORDINANCE TO ADD ARTICLE V, "GENERAL REQUIREMENTS." AN ORDINANCE TO ADD AND ARTICLE II, "DEFINITIONS."

BE IT ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that CHAPTER 3.03.02 "APPLICATION OF DISTRICT REGULATIONS," of the Zoning Ordinance of the Brookings County be adopted by adding the following Section: Section 3.03.02. Prohibited Uses:

"All uses and structures not specifically listed as a permitted use or as a conditional use in a particular zoning district shall be prohibited in said district."

BE IT ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that Section 4.02.02, "CI – COMMERCIAL / INDUSTRIAL DISTRICTS, Conditional Uses" of the Zoning Ordinance of Brookings County be amended by adding language: 21. Cannabis Dispensary (subject to Chapter 5.17).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that that Article V, "GENERAL REQUIREMENTS" of the Zoning Ordinance of Brookings County be adopted by adding the following Chapter:

CHAPTER 5.17 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 County shall allow up to five 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 1,000 feet from a public or private school existing before the date of the cannabis dispensary application;
- b. 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 other zoning districts and 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 AM and 8:00 PM on Monday – Saturday and the hours of 12:00 PM and 5:00 PM on Sunday.
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. All entrances to the facility shall be secure and appropriate security measures to deter and prevent theft of any medical marijuana;
 - vi. Refuse plan. Waste and marijuana remnants and byproducts shall be located in a secure container located with a secure area with the facility, and disposed of in a manner which is compliant with Department of Health regulations and permits;
 - 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.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Brookings County, South Dakota: that Article II, "DEFINITIONS" of the Zoning Ordinance of Brookings County be adopted by adding the following Definitions:

This ordinance adopts the definitions for cannabis-related terms which are defined by SDCL 34-20G-1:

Cannabis (or Marijuana)

Cannabis Cultivation Facility

Cannabis Dispensary

Cannabis Establishment

Cannabis Product Manufacturing Facility

Cannabis Products

Cannabis Testing Facility

Department

Adopted this _____ day of _____, 2021.

Effective: _____

BROOKINGS COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____

Larry Jensen, Chairperson
Board of County Commissioners

ATTEST:

Lori Schultz, Finance Officer
Brookings County

First Reading: September 7, 2021
Second Reading: September 21, 2021

Adopted: September 21, 2021
Effective Date: October 20, 2021