

1st Reading: _____
 2nd Reading: _____
 Date Adopted: _____
 Date Published: _____
 Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE SIOUX FALLS, SD, BY ADOPTING MEDICAL CANNABIS ZONING REGULATIONS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 160.005 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 160.005 DEFINITIONS.

MEDICAL CANNABIS DISPENSARY. An entity registered with the state of South Dakota pursuant to SDCL 34-20G and licensed by Sioux Falls City Ordinances Chapter [redacted] that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders. A medical cannabis dispensary may only be categorized as a principal use and not an accessory use.

MEDICAL CANNABIS TESTING FACILITY. An independent entity registered with the state of South Dakota pursuant to SDCL 34-20G and licensed by Sioux Falls City Ordinances Chapter XXX that analyzes the safety and potency of cannabis. A medical cannabis testing facility may only be categorized as a principal use and not an accessory use.

Section 2. That Section 160.272 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM RE2: STREETCAR RETAIL EMPLOYMENT

§ 160.272 PRINCIPAL USES.

(b) *Permitted special uses.* The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within §§ 160.605 et seq. (Conditional Use) may be obtained when the standards for a permitted special use cannot be obtained.

(10) Medical cannabis dispensary.

A. Placed beyond 1,000 feet from sensitive uses.

- B. 1,000 feet separation of medical cannabis dispensary from each other.
- C. Posting of a sign at the entrance that shall state the nature of the business.
- D. No part of the interior of the medical cannabis dispensary shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.

(11) Medical cannabis testing facility.

- A. Placed beyond 1,000 feet from any sensitive uses.
- B. A medical cannabis testing facility shall not be permitted within 1,000 feet of another medical cannabis testing facility.
- C. Posting a sign at the entrance that shall state the nature of the business.

Section 3. That Section 160.282 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM RE3: PARKING-ORIENTED RETAIL EMPLOYMENT

§ 160.282 PRINCIPAL USES

- (b) *Permitted special uses.* The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within §§ 160.605 et seq. (Conditional Use) may be obtained when the standards for a permitted special use cannot be obtained.

(12) Medical cannabis dispensary.

- A. Placed beyond 1,000 feet from sensitive uses.
- B. 1,000 feet separation of medical cannabis dispensary from each other.
- C. Posting of a sign at the entrance that shall state the nature of the business.
- D. No part of the interior of the medical cannabis dispensary shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.

(13) Medical cannabis testing facility.

- A. Placed beyond 1,000 feet from any sensitive uses.
- B. A medical cannabis testing facility shall not be permitted within 1,000 feet of another medical cannabis testing facility.
- C. Posting a sign at the entrance that shall state the nature of the business.

Section 4. That Section 160.292 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM RE4: COMMUNITY RETAIL EMPLOYMENT

§ 160.292 PRINCIPAL USES.

- (b) *Permitted special uses.* The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within §§ 160.605 et seq. (Conditional Use) may be obtained when the standards for a permitted special use cannot be obtained.

(11) Medical cannabis dispensary.

- A. Placed beyond 1,000 feet from sensitive uses.
- B. 1,000 feet separation of medical cannabis dispensary from each other.
- C. Posting of a sign at the entrance that shall state the nature of the business.
- D. No part of the interior of the medical cannabis dispensary shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.

(12) Medical cannabis testing facility.

- A. Placed beyond 1,000 feet from any sensitive uses.
- B. A medical cannabis testing facility shall not be permitted within 1,000 feet of another medical cannabis testing facility.
- C. Posting a sign at the entrance that shall state the nature of the business.

Section 5. That Section 160.302 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM RE5: REGIONAL RETAIL EMPLOYMENT

§ 160.302 PRINCIPAL USES.

- (b) *Permitted special uses.* The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within §§ 160.605 et seq. (Conditional Use) may be obtained when the standards for a permitted special use cannot be obtained.

(11) Medical cannabis dispensary.

- A. Placed beyond 1,000 feet from sensitive uses.
- B. 1,000 feet separation of medical cannabis dispensary from each other.

- C. Posting of a sign at the entrance that shall state the nature of the business.
- D. No part of the interior of the medical cannabis dispensary shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.

(12) Medical cannabis testing facility.

- A. Placed beyond 1,000 feet from any sensitive uses.
- B. A medical cannabis testing facility shall not be permitted within 1,000 feet of another medical cannabis testing facility.
- C. Posting a sign at the entrance that shall state the nature of the business.

Section 6. That Section 160.322 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM WM1: WAREHOUSE AND MANUFACTURING—LIGHT

§ 160.322 PRINCIPAL USES

The following uses shall be a principal use when a building or premises is the primary or predominant use of any lot: Permitted special. The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within § [160.616](#) (Conditional Use Standards) may be obtained when the standards for a permitted special use cannot be obtained.

(f) Permitted special: Cannabis testing facility.

- (1) Placed beyond 1,000 feet from sensitive uses.
- (2) 1,000 feet separation of medical cannabis dispensary from each other.
- (3) Posting a sign at the entrance that shall state the nature of the business.

Section 7. That Section 160.332 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

FORM WM2: WAREHOUSE AND MANUFACTURING—HEAVY

§ 160.332 PRINCIPAL USES.

The following uses shall be a principal use when a building or premises is the primary or predominant use of any lot. Permitted special. The following principal uses include the same additional restrictions for all listed uses below. A conditional use with standards within § [160.605](#) et seq. (Conditional Use) may be obtained when the standards for a permitted special use cannot be obtained.

(c) Permitted special: Cannabis testing facility.

- (1) Placed beyond 1,000 feet from sensitive uses.
- (2) 1,000 feet separation of medical cannabis dispensary from each other.
- (3) Posting a sign at the entrance that shall state the nature of the business.

Section 8. That Section 160.616 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 160.616 CONDITIONAL USE STANDARDS.

Medical cannabis dispensary. The permitted special standards may be reduced to no less than 500 feet from sensitive land uses if the planning commission finds that the plan performs at the same or higher level with reduced separation distances. The applicant must then include mitigation measures that for example utilize topography, higher level of aesthetics, or barriers that are used to provide the same or higher levels of land use transitions. For no reason shall a reduction in the separation distance between two medical cannabis dispensaries be allowed as provided by the standards of the permitted special use.

Medical cannabis testing facility. The permitted special standards may be reduced to no less than 500 feet from sensitive land uses if the planning commission finds that the plan performs at the same or higher level with reduced separation distances. The applicant must then include mitigation measures that for example utilize topography, higher level of aesthetics, or barriers that are used to provide the same or higher levels of land use transitions. For no reason shall a reduction in the separation distance between two medical cannabis testing facilities be allowed as provided by the standards of the permitted special use.

Date adopted: _____.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk