

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, August 10, 2021
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: July 13, 2021 Planning Commission Minutes.

APPROVAL OF MINUTES: Board of Adjustment Minutes: None

APPROVAL OF AGENDA:

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE:

OLD BUSINESS (Planning Commission and Board of Adjustment): None.

NEW BUSINESS (Board of Adjustment): None

NEW BUSINESS (Planning Commission):

1. Hearing on Appeal No. 654, Eric Fosheim on behalf of LAIC, requesting a change of Zoning that, if granted, will change the Zoning District from Light Manufacturing (ML) to Highway Business (HB).
2. Decision on Appeal No. 654 Eric Fosheim on behalf of LAIC
3. First District Association of Local Governments – Preliminary Discussion of Comprehensive Land Map Review and discuss meeting date/time for last week of August.
4. Discuss Zoning Ordinance Adoption Process for Medical Marijuana

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests

PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
July 13, 2021

Chairman John Groce called the meeting to order at 7:00am.

The following members were present for roll call: Chairman John Groce, Commissioners Jim Iverson, Bob Maxwell, Donna Fawbush, Roger Olson, Michael Johnson and Jennifer Wolff. City Commission Liaison Jeremiah Corbin, Mayor Marshall Dennert, and Administrative Official Ryan Hegg.

Motion by Commissioner Wolff to approve the May 11, 2021 Planning Commission minutes, second by Commissioner Olson. Motion carried unanimously.

Motion by Commissioner Olson to approve the May 11, 2021 Board of Adjustment minutes, second by Commissioner Fawbush. Motion carried unanimously.

Motion by Commissioner Iverson, second by Commissioner Fawbush to approve the July 13, 2021 agenda. Motion carried unanimously.

The Chicken Ordinance was discussed. Commissioner Iverson asked where the draft of the ordinance originated. Mayor Dennert stated that it had come from the City of Aberdeen. If approved, the ordinance will need to be amended for the City of Madison. This ordinance includes chickens only, no other fowl. Ordinance would need to be amended if it were to include other fowl in the future. Eight chickens would be allowed along with 8 chicks. Chicks and chickens would need to be recycled within 6 weeks to assure that owner only has 8 chickens after the 6 week period. It was asked if there would need to be a permit required. After a brief discussion it was determined that it would be preferred that permits be approved Administratively rather than through a Conditional Use.

Motion by Commissioner Iverson to pass on to the City Commission, second by Commissioner Wolff.

Roll call vote requested. All in favor except Commissioner Fawbush.

Motion Carried.

There were no public input comments.

Motion by Commissioner Iverson, second by Commissioner Johnson to adjourn. Motion carried unanimously.

The meeting adjourned at 7:35am.

Dan Whitlock
Planning Commission

**CITY OF MADISON
NOTICE OF PUBLIC HEARING
PROPOSED CHANGE OF ZONING ORDINANCE**

Notice is hereby given pursuant to SDCL 11-4-4 that a public hearing will be held on Tuesday, August 10, 2021 at 7:00am, or as soon thereafter as the matter may be heard, in City Hall, Madison, South Dakota, in the Commission Room, to consider proposed changes to the zoning ordinance of the City of Madison.

PROPOSED ORDINANCE NO. 1636

**AN ORDINANCE TO AMEND APPENDIX B – ZONING – SECTION 17.02 ADOPTED BY
ORDINANCE NO. 1610 ON 5-22-2019 OF THE ZONING ORDINANCE OF THE CITY OF MADISON**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That the revised ordinances of the City of Madison, also known as the Code of Ordinances, be amended to change the zoning of the following real property located within the City of Madison by changing the zoning district from Light Manufacturing District (ML) to Highway Business (HB):

To be known and platted as Lot 7, Block 8, Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota.

Any person wishing to present testimony may appear at said hearing or may file written comments with the Finance Officer at 116 W Center Street, Madison, South Dakota, prior to said hearing. **All written comments desired to be included in the agenda packet must be filed no later than end of business on Wednesday, August 4, 2021.** Disabled individuals may contact the Finance Officer for information and/or special assistance. The request should be made 24 hours in advance of the hearing.

/s/Sonya Wilt
Finance Officer

Published once at the approximate cost of \$ ____.

CITY OF MADISON
PETITION FOR A CHANGE IN ZONING CLASSIFICATION

APPEAL NUMBER 654

7/26/21

3/26/2013

Receipt # 128617

APPLICANT (PRINT): Eric Fosheim PHONE: 605-256-0797

ADDRESS: 315 S Egan Ave Madison, SD

OWNER (PRINT): LAKE Area Improvement Corp. PHONE: 605-256-0797
IF DIFFERENT THAN APPLICANT

ADDRESS: SAME

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA, TO ISSUE A CHANGE IN ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

To Be Known And Platted as lot 7, Block 8, Lakeview Industrial Park Addition to the city of Madison, Lake County, South Dakota

GENERAL AREA OR STREET ADDRESS: corner of Industry Avenue St John Deere Circle

EXISTING LAND USE: Development Park EXISTING ZONING: ML Light Manufacturing

SIZE OF PARCEL: ACRES / SQFT 2.297 Acres LOT DIMENSIONS: WIDTH 300' LENGTH 318' DEPTH 153'

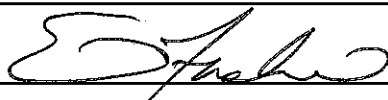
SURROUNDING LAND USE/ZONING

NORTH: Runnings
SOUTH: Farm Ground
EAST: Kibbale
WEST: Global Polymer

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CHANGE IN ZONING CLASSIFICATION INCLUDING DISCUSSION ON WHAT CHANGE OR CHANGING CONDITIONS MAKE THE PASSAGE OF THIS AMENDMENT NECESSARY (attach a separate sheet of paper if necessary)

See Attached description

SIGNATURE OF APPLICANT



SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT)

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

1. NORTH DIRECTION
2. DIMENSIONS OF PROPOSED STRUCTURE
3. STREET NAMES
4. OTHER INFORMATION AS MAY BE REQUESTED
5. LOCATION OF PROPOSED STRUCTURE ON LOT
6. DIMENSIONS OF FRONT AND SIDE SET BACKS
7. LOCATION OF ADJACENT EXISTING BUILDINGS

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____
FEE PAID (NON-REFUNDABLE): _____ YES _____ NO
DATE OF HEARING: _____
ACTION BY BOARD OF ADJUSTMENT: _____



P.O. Box 32
315 South Egan Avenue
Madison, SD 57042

Lake Area Improvement Corporation
Office of Economic Development

(605) 256-0797
www.MadisonWorks.com

July 23, 2021

City of Madison Officials & Planning Commission:

The Lake Area Improvement Corp (LAIC) is requesting a rezone of a 2.297± acre piece of ground in the Lakeview Industrial Park. This piece of property is directly to the south of Running's, across John Deere Circle and directly to the east of Global Polymer Industries, across Industry Ave. The request will be to take what is currently zoned as Light Manufacturing (ML) and changing it to Highway Business (HB).

The reason for the rezone request is the LAIC is looking to sell the piece of ground to a prospect who would like to build a new building. This new building would be made up of tenants who will operate both a screen-printing business on one side of the building and a physical therapy clinic on the other. Currently, clinics are a restricted use within the light manufacturing designation. Both are businesses who currently operate in Madison and are looking for a growth opportunity.

It could be argued that spot zoning may be frowned upon. However, since Runnings will be directly across the street to the north, with almost all of its daily traffic driving past this proposed property, it could also be argued that it would not seem completely out of the realm of normalcy to have a medical clinic across the street.

The LAIC is reluctant to rezone additional land other than this parcel, at this time. This is mainly due to the fact that we are limited in the amount of land that is available left for sale in the park, and as a development corp., we don't want to limit opportunities for the land use in the future.

I kindly ask the Planning Commission to consider rezoning this parcel of land to allow for additional growth in Madison.

Kind Regards,

Eric Fosheim
Executive Director

I, Eric Fosheim, representing The Lake Area Improvement Corporation at 315 S Egan Avenue, am applying for a rezone to an adjacent parcel of land of the Madison Runnings location. The subject parcel of land will be roughly 2.3 acres in size and is located directly to the southeast of the intersection of Industry Avenue and John Deer Circle, and directly to the south of the new Running's Store location in Madison. I have attached a drafted site plan for reference.

The purpose for the rezone is the subject parcel is currently zoned as "Light manufacturing" which specifically excludes medical clinics as a use for the land. We are looking to rezone the parcel to "Highway Business" which will allow both businesses to operate as they desire. The size of the building will be 60'X180'.

Because I am seeking this rezone from City of Madison zoning ordinance, I must notify adjacent property owners of our application. The date of the meeting will be August 10, 2021 at 7:00 am. If you have comments on this matter, you can attend the meeting to discuss.

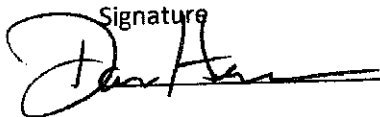
We the undersigned adjacent property owners in the matter of their submission of application for variance have spoken with the applicant and approve.

Printed Name

Signature

Street Address

Date



1212 S. Industry Ave

7/29/21

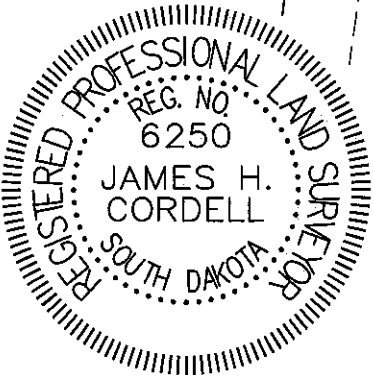
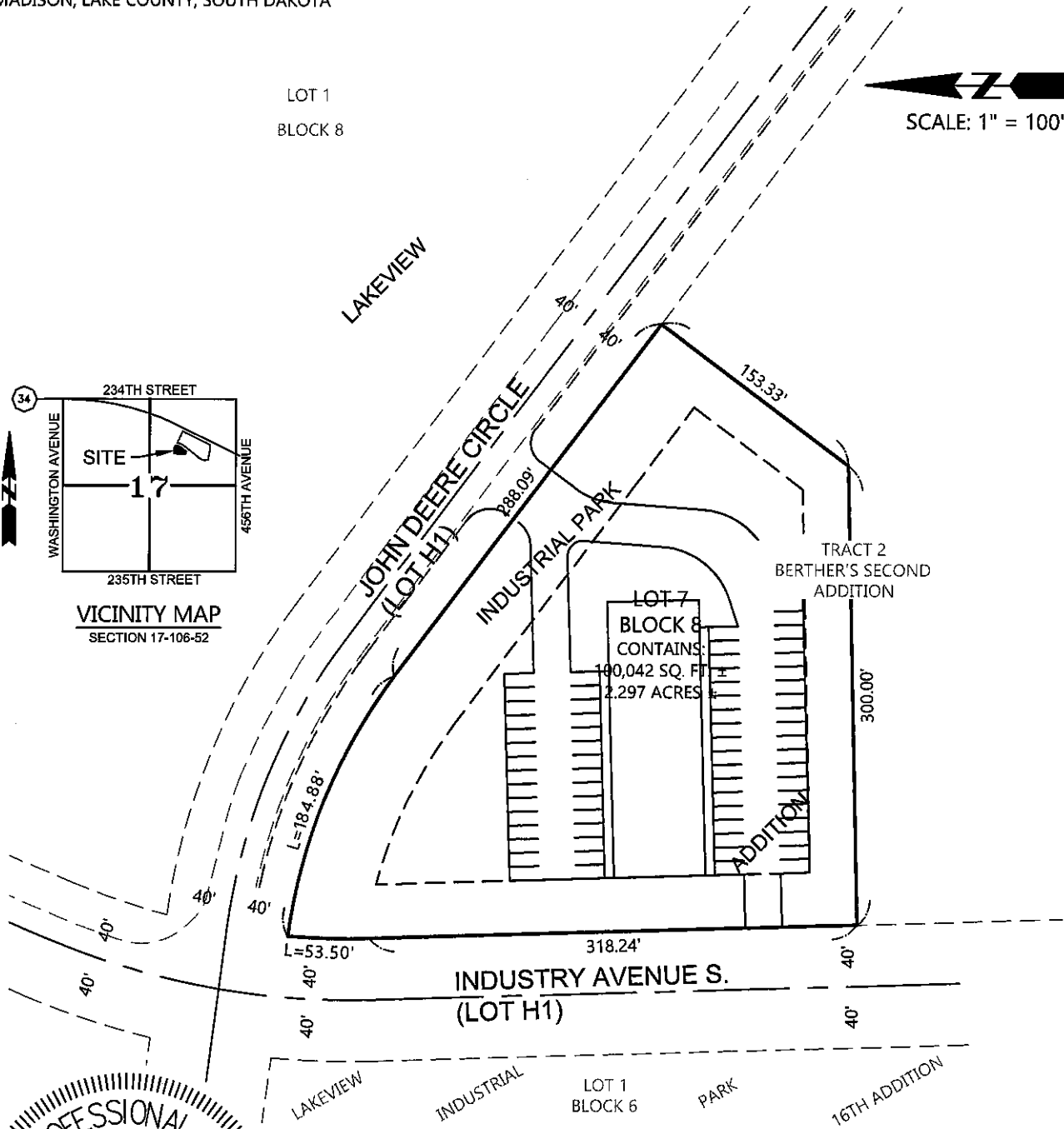
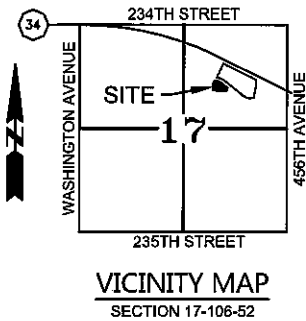
We the undersigned adjacent property owners in the matter of their submission of application for variance have spoken with the applicant and are acknowledging that we have been made aware.

EXHIBIT A

LEGAL DESCRIPTION: TO BE KNOWN AND PLATTED AS LOT 7, BLOCK 8, LAKEVIEW INDUSTRIAL PARK ADDITION TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT 1
BLOCK 8

SCALE: 1" = 100'



I, JAMES H. CORDELL, HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

DATE: 07/22/21

James H. Cordell
JAMES H. CORDELL
REG. NO. 6250

Sayre
Associates

216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211 • Fax: (605) 332-7222

Engineers • Surveyors

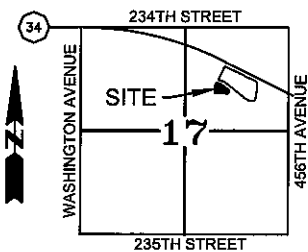
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BLOCK 8



SCALE: 1" = 100'



VICINITY MAP

SECTION 17-106-52

LOT 7
BLOCK 8
CONTAINS:
100,042 SQ. FT. ±
2.297 ACRES ±

TRACT 2
BERTHER'S SECOND
ADDITION

ADDITION

INDUSTRY AVENUE S.
(LOT H1)

LAKEVIEW

INDUSTRIAL

LOT 1
BLOCK 6

PARK

16TH ADDITION

I, JAMES H. CORDELL, HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

DATE: 07/22/21

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REG. NO. 6250

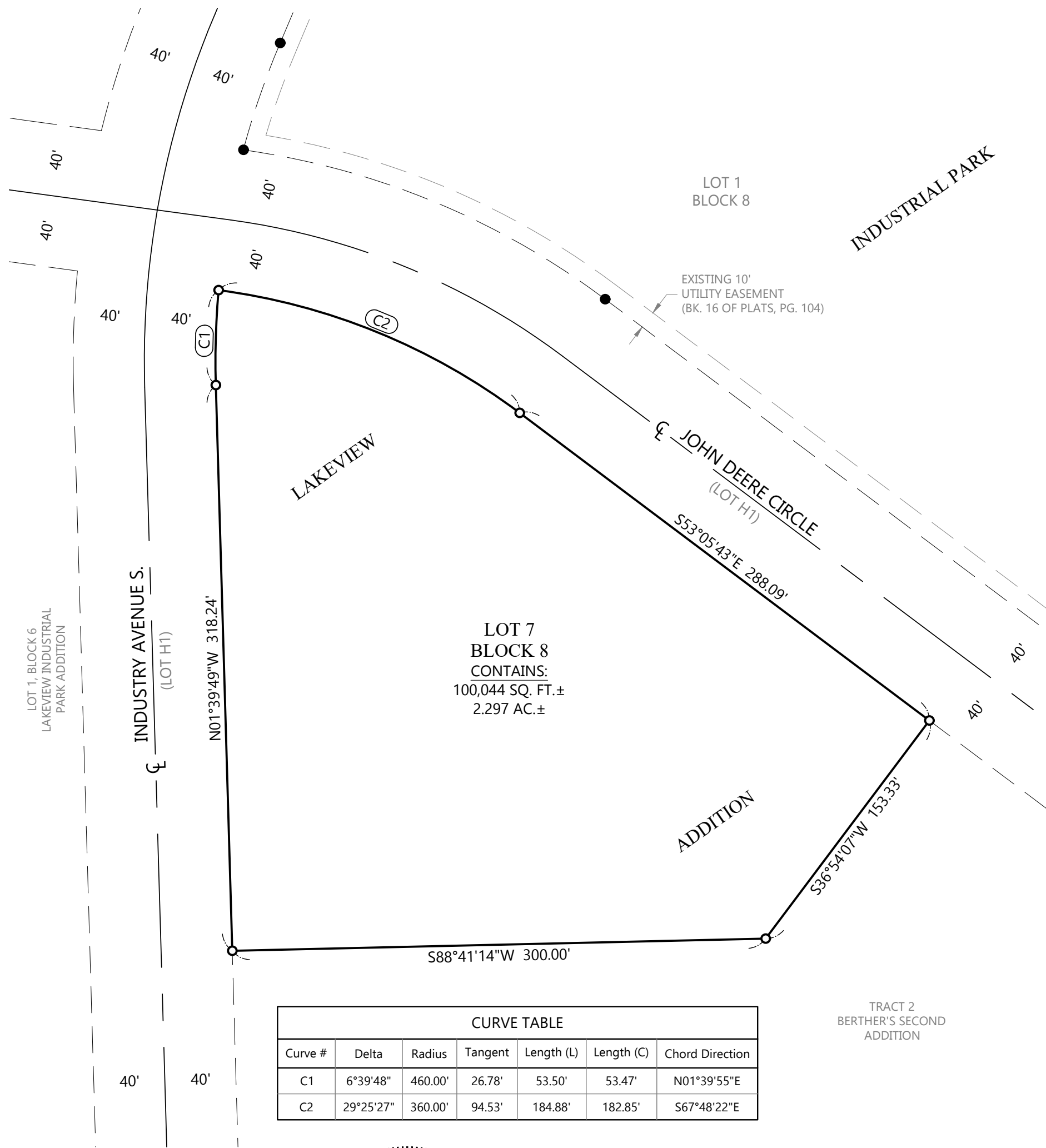
Sayre
Associates

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Phone: (605) 332-7211 • Fax: (605) 332-7222

Engineers • Surveyors

BY: BJB, 22755 Exhibit.dwg, EXHIBIT, PRINT DATE: Jul 22, 2021

LOT 7, BLOCK 8, LAKEVIEW INDUSTRIAL PARK ADDITION TO THE CITY OF MADISON,
LAKE COUNTY, SOUTH DAKOTA



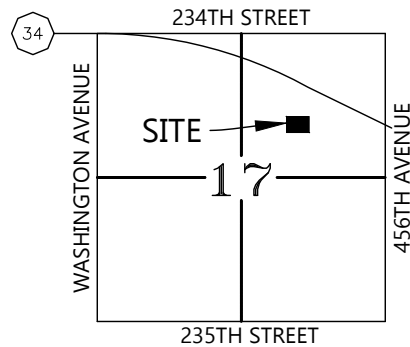
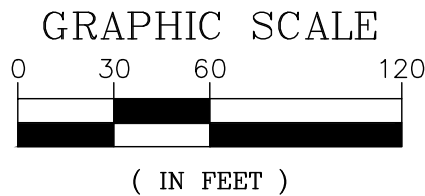
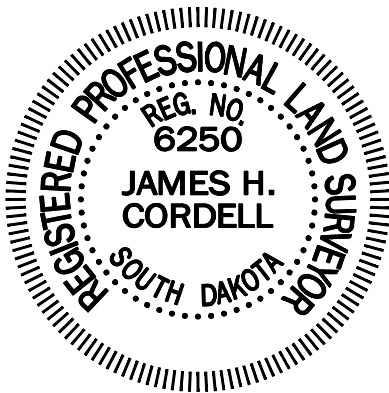
* Subject to an easement in favor of Northwestern Bell Telephone Company over the W1/2 of the NE1/4 of Section 17-106-52 recorded in Bk. 491 of Misc., Pg. 495.

Notes:
The bearing system for this plat is based on the UTM Zone 14 North.

This plat was prepared without the benefit of a title commitment.

Legend

- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 6250
- - Denotes found monument
- (R) - Record Distance
- (M) - Measured Distance



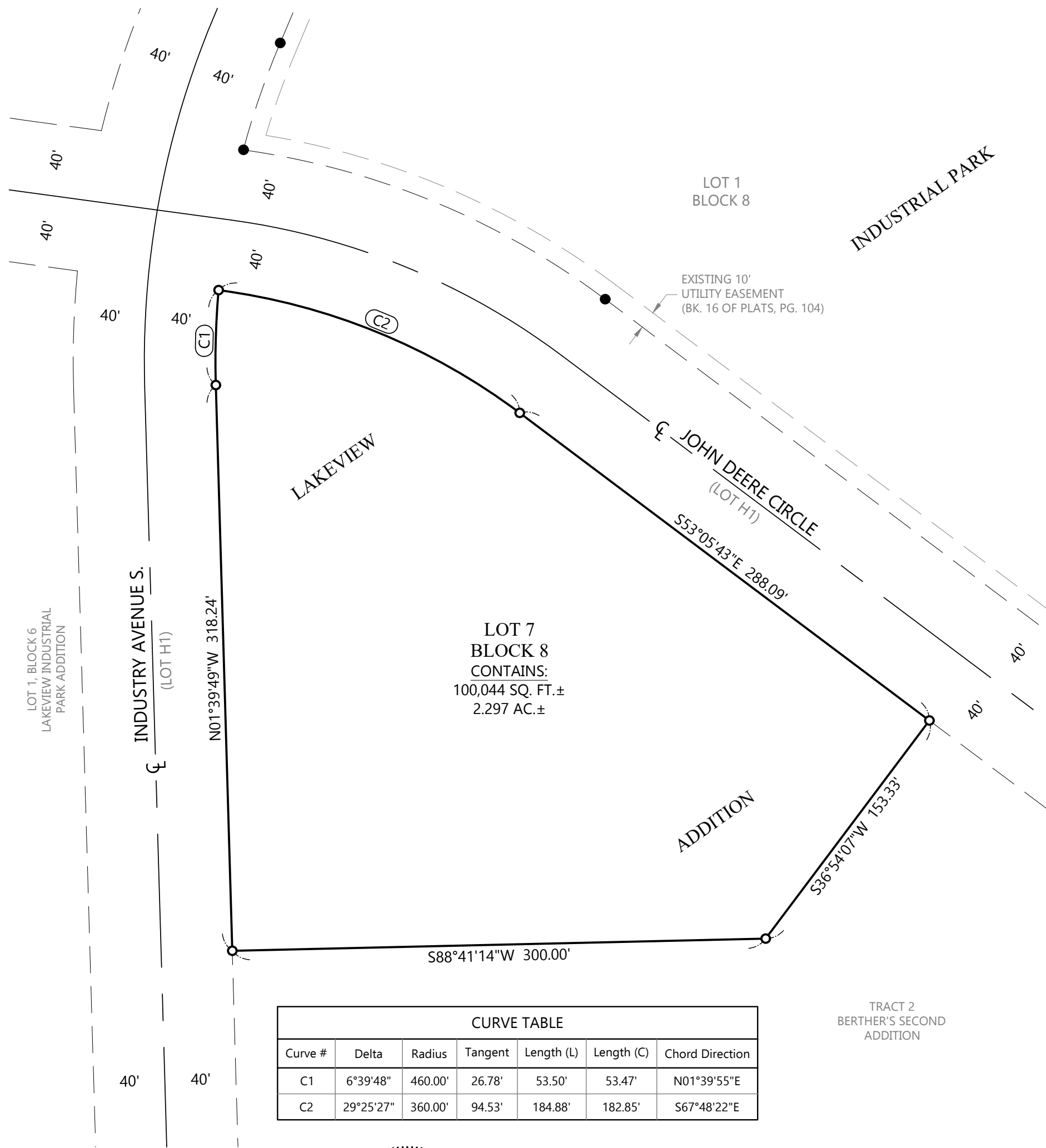
VICINITY MAP
SECTION 17-106-52

Total Area Surveyed:
2.297 Acres±

Sayre
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Phone: (605) 332-7211 • Fax: (605) 332-7222
Engineers • Surveyors

LOT 7, BLOCK 8, LAKEVIEW INDUSTRIAL PARK ADDITION TO THE CITY OF MADISON,
LAKE COUNTY, SOUTH DAKOTA



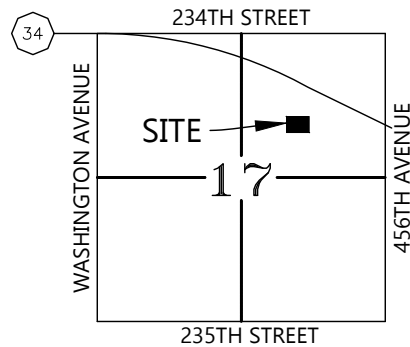
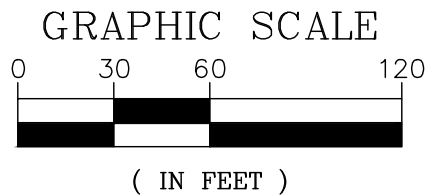
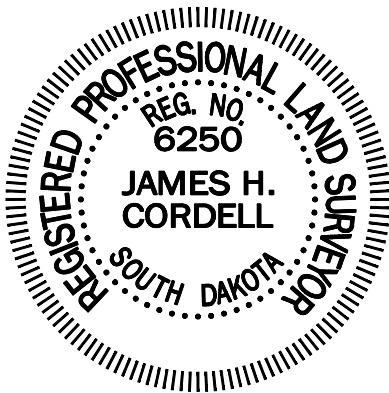
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VICINITY MAP
SECTION 17-106-52

Total Area Surveyed:
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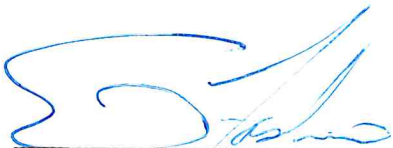
CITY OF MADISON
SIGN PLACEMENT CERTIFICATE OF COMPLIANCE

I, Eric Fosheim, do hereby certify that City
Print Name

approved signage related to Appeal Application No. _____ and/or rezoning of

property Lot 7, Block 8 Lakeview Industrial Park
(insert legal description)

have been in place in accordance with all rules and laws prior to both the Planning Commission and Board of Adjustment hearings. Said signs were placed and have been maintained as required by ordinance.


Signature

8/2/21
Date

Map

City of Madison

Comprehensive Land Use Plan

Area of Redevelopment

Future Land Use - By Specific Land Use

Area of Future Development

Rural Residential

Design Review

Campus

Low Density Residential

Medium Density Residential

High Density Residential

Manufactured Home Residential

Office

Neighborhood Commercial

Regional Commercial

Central Commercial

Highway Commercial

Light Industrial

Heavy Industrial

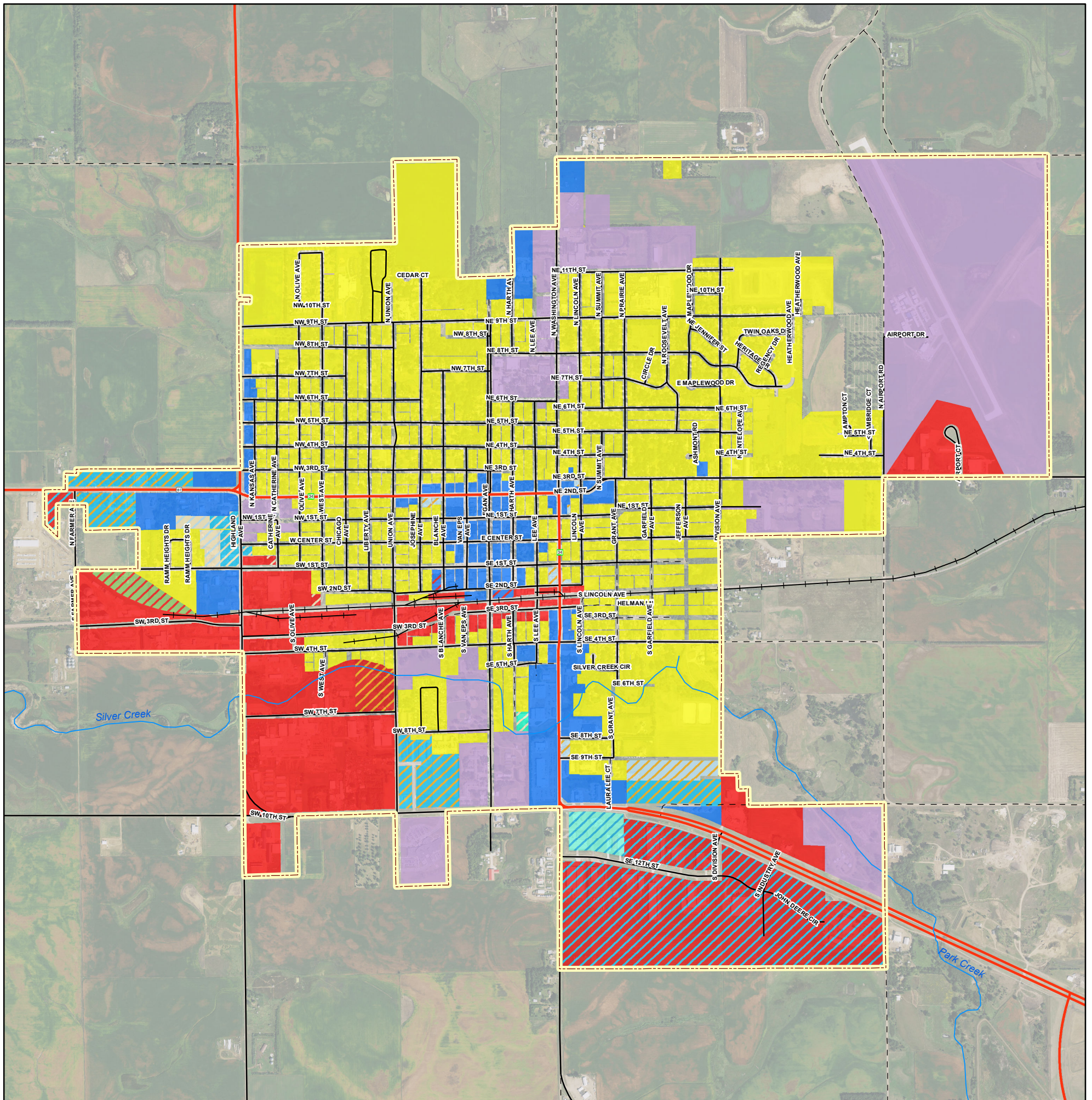
Mixed

The map displays the future land use plan for a specific area in Madison, Wisconsin. The area is outlined by a yellow dashed line. The land is divided into various zones, each represented by a different color or pattern. The zones include:

- Area of Future Development (White outline)
- Rural Residential (Light Green)
- Design Review (Light Green)
- Campus (Purple)
- Low Density Residential (Yellow)
- Medium Density Residential (Light Orange)
- High Density Residential (Orange)
- Manufactured Home Residential (Brown)
- Office (Pink)
- Neighborhood Commercial (Light Blue)
- Regional Commercial (Cyan)
- Central Commercial (Blue)
- Highway Commercial (Light Blue)
- Light Industrial (Red)
- Heavy Industrial (Dark Red)
- Mixed (Hatched pattern)

The map also shows the location of Silver Creek and Campus Hill. The land use plan is overlaid on an aerial photograph of the area.

Map __
City of Madison Comprehensive Land Use Plan
Area of Redevelopment Future Land Use - By Mixed Use Type



City Adoption Process

Zoning Ordinance Adoption Process

1. Publish a public hearing notice of the Planning Commission and City Council – Notice to be published at least 10 days prior to Public Hearing
2. Hold Hearing
 - a. Planning Commission passes a resolution recommending approval of the ordinance
 - b. City Council holds 1st reading by title and sets 2nd reading date
3. City Council has 2nd reading and adopts ordinance (must be at least 5 days after 1st reading)
4. If adopted, Notice of Adoption is published
5. Ordinance goes into effect twenty (20) days after publication of Notice of Adoption

PUBLIC HEARING NOTICE FOR COMMUNITIES WITH EFFECTIVE ZONING

PUBLISH NOTICE – 10 DAYS PRIOR TO PUBLIC HEARING

_____ CITY PLANNING COMMISSION AND _____ CITY COUNCIL

NOTICE OF JOINT PUBLIC HEARING

ORDINANCE # _____

AN ORDINANCE AMENDING ORDINANCE _____ (EXISTING ZONING ORDINANCE) AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISION OF CHAPTER 11-4, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

The _____ City Planning Commission and the _____ City Council will hold a joint public hearing on _____, 2021 at _____ a.m. at _____ located at _____, _____, SD. All interested persons are encouraged to attend in person and comment on Ordinance # _____. After the public hearing, the Planning Commission may pass a resolution recommending approval of Ordinance # _____, with or without amendment, to the City Council. The City Council may have first reading of Ordinance # _____ by title and set a 2nd reading date.

The proposed Ordinance # _____ will be made available for public inspection at the _____ located at _____, _____ SD and on-line at _____ pursuant to SDCL Section 11-4 and amendments thereto.

Written comments may be filed by emailing the Finance Officer at _____ or by mailing them to the Finance Officer at _____, _____, SD, SD 57 _____ on or before noon on _____, 2021.

NOTICE OF ADOPTION - TO BE PUBLISHED ONCE

ORDINANCE # _____

AN ORDINANCE AMENDING ORDINANCE ____ (EXISTING ZONING ORDINANCE) AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISION OF CHAPTER 11-4, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the City of _____ :

TEXT OF THE ORDINANCE

Passed and adopted this _____ 2021.

_____, Mayor

ATTEST:

Finance Officer

This ordinance shall become effective twenty days after publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading:

2nd Reading:

Adopted:

Published:

Effective:

SAMPLE AGENDA ITEMS FOR MUNICIPALITY WITH EFFECTIVE ZONING

Meeting #1

- Convene Jointly as Planning Commission and City Council/Town Board
- Ordinance # __ An ordinance amending Ordinance ____ (existing zoning ordinance) and all amendments thereto, in accordance with the provision of Chapter 11-4, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith
 - Public Hearing: Planning Commission and City Council/Town Board
 - Planning Commission Resolution Recommending approval of Ordinance # __
- Adjourn Planning Commission/Convene only as City Council/Town Board
 - First Reading of Ordinance # __.

Meeting #2

- Ordinance # __ An ordinance amending Ordinance ____ (existing zoning ordinance) and all amendments thereto, in accordance with the provision of Chapter 11-4, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith
 - Second Reading of Ordinance # __.
 - City Council/Town Board action on Ordinance # ____

DECISION PROCESS FOR MUNICIPALITY WITH EFFECTIVE ZONING

Meeting #1

1. Make motion to convene jointly as the Planning Commission and City Council/Town Board.
 - a. Mayor/Town Board President announces the City Council/Town Board and Planning Commission will meet jointly [for this portion of the meeting].
 - b. Planning Commission makes **Motion to Recommend Approval of Ordinance ____**, **An ordinance amending Ordinance ____ (existing zoning ordinance) and all amendments thereto, in accordance with the provision of Chapter 11-4, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith. (Chairperson should say, “Which member of the Planning Commission member will make a motion recommending approval of the ordinance to the City Council/Town Board so we can begin discussion?”)**
 - c. Open Public Hearing:
 - i. Allow proponents to comment on the Ordinance
 - ii. Allow opponents to comment on the Ordinance
 - d. Close Public Hearing:
 - e. Planning Commission/City Council/Town Board discussion on Ordinance.
 - f. Planning Commission acts (votes) on Resolution to recommend approval of the Ordinance to the City Council/Town Board.
 - g. City Council/Town Board first reading, by title, of Ordinance. (Just read the title of the document – no need for a vote here.)
 - h. Mayor/Town Board President notes the date, time, and place of the 2nd reading as scheduled.
 - i. Motion to Adjourn as Planning Commission and resume acting solely as the City Council/Town Board (if necessary), for regular business.

Meeting #2

1. City Council/Town Board 2nd Reading of Ordinance.
2. Motion to Approve the Ordinance. (**Mayor/Town Board President asks for a motion of the City Council/Town Board Approving the Ordinance**)
3. City Council/Town Board discussion on Ordinance
4. City Council/Town Board action (vote) to approve/deny the Ordinance Amending the Zoning Ordinance. (Requires simple majority to pass)

Example Ordinance which would prohibit all cannabis establishments except cannabis dispensaries.

Step 1. Amend your definition Section to include the following:

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Step 2. Insert a statement regarding prohibition of uses not listed in your ordinance. (Some entities may already have this in their ordinance.)

Section. Prohibited Uses

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

Step 3. Amend the permitted use or special permitted use sections of each zoning district where your entity would allow a Cannabis Dispensary.

Example:

(Select the appropriate zoning district – Central Commercial, General Commercial Highway Commercial):

(Go to the Permitted Uses or Special Permitted Uses Section)

(Add the use “Cannabis Dispensary subject to Section ____ Cannabis Dispensary Regulations”

Step 4. Amend the section of your ordinance (commonly called General or Supplemental Regulations) to establish regulations for Cannabis Dispensaries.

Example:

Section ____ Cannabis Dispensary Regulations.

A. Maximum Number of Cannabis Dispensaries.

1. 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.
2. The City of _____ shall allow up to ____ cannabis dispensaries provided the time, place, and manner of said dispensaries comply with this ordinance.

B. Required Separation Distances

1. A cannabis dispensary shall be located not less than _____ feet (cannot be less than one thousand feet) from a public or private school existing before the date of the cannabis dispensary application;
2. A cannabis dispensary shall be located not less than _____ feet (cannot be less than one thousand feet) from a _____ existing before the date of the cannabis dispensary application; (Communities do not have to set additional separation distances, however they have the ability to set separation distances from other land uses such as churches, residences, public parks, libraries, daycare facilities, other cannabis dispensaries, etc. This would be the place to include additional land uses requiring separation distances. A word of caution if the separation distances result in the prohibition of a cannabis dispensary with the city or county, such separation distances would be contrary to State law).

3. Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:
 - a. The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.
 4. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed
- C. 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.
- D. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.
- E. Hours of operation:
1. Cannabis dispensaries are allowed to be open between the hours of ____ and ____ on ____ (days of the week). (A community does not have to set the days or hours of operation)
- F. Documentation of State Licensure.
1. 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.
- G. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:
1. Submission of a site plan containing the following:
 - a. Any information required for applicable building permit,
 - b. Ingress and egress plan
 - c. Parking plan
 - d. Lighting plan (including security lighting)
 - e. Screening/security fencing plan,
 - f. Refuse plan;
 - g. Hours of Operation;
 - h. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance
 2. Documentation of ability to meet setback/separation requirements.
 3. Documentation of State Licensure:

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