

ORDINANCE NO. 288

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE 1 GENERAL PROVISIONS, ARTICLE 8 BUSINESS DISTRICT, ARTICLE 9 COMMERCIAL DISTRICT, ARTICLE 10 LIGHT INDUSTRIAL DISTRICT, ARTICLE 11 HEAVY INDUSTRIAL DISTRICT, ARTICLE 12 ADDITIONAL USE REGULATIONS, AND ARTICLE 20 DEFINITIONS OF THE BALTIC CODE OF ORDINANCES TITLE XV: LAND USAGE CHAPTER 151, SECTION 151.01 REVISED BALTIC ZONING REGULATIONS, AND THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Baltic, South Dakota that amendments be made to the Revised Baltic Zoning Regulations of the City of Baltic be by adding the following:

1. ARTICLE 1. GENERAL PROVISIONS

1.04.01 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.

2. ARTICLE 8: BUSINESS DISTRICT

8.01 Permitted Use

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
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3. ARTICLE 9: COMMERCIAL DISTRICT

9.01 Permitted Use

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
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4. ARTICLE 10: LIGHT INDUSTRIAL DISTRICT

10.01 Permitted Use

Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

5. ARTICLE 11: HEAVY INDUSTRIAL DISTRICT

11.01 Permitted Use

Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

6. ARTICLE 12: ADDITIONAL USE REGULATIONS

12.16 CANNABIS DISPENSARIES.

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 Baltic shall allow up to ONE (1) cannabis dispensary provided the time, place, and manner of said dispensary complies with this ordinance.

B. Required Separation Distances

1. A cannabis dispensary shall be located not less than One-thousand Feet (1,000') from a public or private school existing before the date of the cannabis dispensary application;
2. Prescribed separation/setback distances from a public or private school existing before the date of the cannabis dispensary application are to be measured from the lot line of the property where the dispensary is proposed;
3. No cannabis establishment may be located within 500 feet of another cannabis establishment.

C. Other Locational Requirements

1. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.
2. 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.
3. Drive-thru services shall not be permitted for a cannabis dispensary and all sales must be completed at the dispensary location.

D. 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.

E. Hours of operation:

1. Cannabis dispensaries are allowed to be open between the hours of 8:00 a.m. and 8:00 p.m. each day of the week.

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:

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.

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 most recent edition of the International Building Code and International Fire Code adopted by City Council of the City of Baltic.

BE IT FURTHER ORDAINED by the City Council of the City of Baltic, South Dakota: that ARTICLE 20 DEFINITIONS, ARTICLE 20.02 , "Definitions" adopted by the Revised Baltic Zoning Regulations as amended of the City of Baltic be amended by adding 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.

Passed and adopted this __ day of _____, 2021.

By: _____
Tracy Petersen, Mayor

ATTEST:

Michelle Siemonsma
Municipal Finance Officer

First Reading:
Second Reading:
Date Adopted:
Date Published:
Effective Date: