

City Council Agenda Memo

From: Mike Struck, Community Development Director

Meeting: July 13, 2021 / July 27, 2021 / August 24, 2021 /
September 14, 2021

Subject: Cannabis Establishments

Person(s) Responsible: Mike Struck, Community Development Director

Summary:

The City of Brookings has submitted an ordinance establishing zoning regulations for cannabis establishments. The ordinance was updated from the 8/17/2021 work session to include a buffer from residential with proximity to industrial areas for cultivation facilities only.

Background:

Initiated measure (IM26), which legalized medical cannabis in the State of South Dakota, provides that the South Dakota Department of Health shall set rules for medical cannabis establishments no later than October 29, 2021. The Department of Health released their draft rules the week of June 21st. The Department of Health regulations pertain to the licensing requirements and provide guidance to local municipalities on licensing of cannabis establishments. However, local municipalities are responsible for addressing the zoning aspect of cannabis establishments.

Item Details:

The proposed ordinance identifies different types of cannabis establishments, appropriate zoning districts for each type of establishment, and buffer distances. The types of establishments are defined and the definitions closely mirror the definitions adopted by the State of South Dakota; however, they are not exactly the same. The main difference is the City approached the zoning regulations from the perspective of cannabis being legal, whereas the State definitions referenced medical cannabis.

Cannabis dispensary regulations were drafted in a manner to closely align with a pharmacy use and the proposed zoning districts customarily associated with retail/pharmacy uses are the B-1, B-2, B-2A, B-3, and B-4 Districts. Cannabis testing facilities, product manufacturing facilities, and cultivation facilities are proposed in the Industrial I-1 Light District, as these uses closely resemble other business uses more commonly located in industrial parks due to the size of the facility, utility needs, and odors.

A cannabis dispensary and cannabis cultivation facility are classified as a permitted special use in the zoning districts in which these uses would be allowed. The permitted special use classification aligns with the overall intent of the zoning ordinance as additional criteria such as a buffer distance from another use or zoning district is consistent with the permitted special use criteria. Cannabis testing facilities and cannabis manufacturing facilities are classified as permitted uses in the respective zoning districts.

Per the amendment from City Council at the July 27, 2021, City Council meeting, staff has removed the 300-foot buffer between cannabis dispensaries.

Legal Consideration:

The City Attorney's Office reviewed and edited the ordinance.

Strategic Plan Consideration:

Economic Growth – community improvements, equitable opportunities, community appearance, city-owned land, land purchasing policy, future development/re-development, future growth

Financial Consideration:

None

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Do nothing

The Planning Commission voted 5 – 0 recommending approval of the ordinance. The Development Review Team recommends approval.

Supporting Documentation:

Memo

Ordinance – Clean

Ordinance – Marked

Legal Notice – Council Mtg.

Legal Notice

Planning Commission Minutes