

**ORDINANCE NO. 1054**

**AN ORDINANCE ADDING CERTAIN LANGUAGE IN  
IDENTIFIED SECTIONS OF CHAPTER 27**

**BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE  
CITY OF YANKTON, SOUTH DAKOTA THAT:**

Chapter 27 of the revised Code of Ordinances shall be amended as a means of including Medical Cannabis Dispensaries in the referenced zoning districts. Identified language of Sections of Chapter 27 shall be amended as follows:

Section 27-2. - Definitions shall be amended to add the following definition.

Medical Cannabis Dispensary or dispensary shall mean the entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G and licensed by the City pursuant to Chapter 13 of the Code of Ordinances that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders. Medical cannabis dispensary does not include a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a recreational cannabis dispensary.

Section 27-36. Part B. - B-2 Highway Business District, shall be amended to add to the list of Permitted Principal Uses and Structures.

Medical Cannabis Dispensary

Section 27-37. Part B. - B-3 Central Business District, shall be amended to add to the list of Permitted Principal Uses and Structures.

Medical Cannabis Dispensary

Section 27-38. Part B. - I-1 Industrial, shall be amended to add to the list of Permitted Principal Uses and Structures.

Medical Cannabis Dispensary

Section 27-39. Part B. - I-2 Industrial Park, shall be amended to add to the list of Permitted Principal Uses and Structures.

Medical Cannabis Dispensary

Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted: *AUG 23, 2021*  
1st Reading: *AUG 9, 2021*  
2nd Reading: *AUG 23, 2021*  
Publication Date: *AUG 28, 2021*  
Effective Date: *SEPT 17, 2021*



*[Signature]*  
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Al Viereck, Finance Officer

*[Signature]*

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Stephanie Moser, Mayor

## ***Second Reading and Public Hearing***

### ***Memorandum #21-182***

**To:** Amy Leon, City Manager  
**From:** Dave Mingo, AICP Community and Economic Development Director  
**Subject:** Ordinance #1054, Adding Medical Cannabis Dispensaries to the Zoning Ordinance.  
**Date:** August 17, 2021

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The attached Ordinance #1054 was prepared by city staff and reviewed by the City Attorney. If approved, it includes Medical Cannabis Dispensaries in the list of permitted principal uses in the B-2 Highway Business District, B-3 Central Business District and industrial districts. This ordinance supports the adopted Medical Cannabis Dispensary Ordinance that the commission approved early this summer.

The proposed Ordinance #1054 is the companion action we discussed when the medical cannabis ordinance was adopted. All of the licensing requirements, details and conditions defined in the original ordinance continue to apply.

Staff recommends establishing August 23, 2021 as the date for a public hearing to consider the proposed Ordinance #1054.

#### **HEARING SCHEDULE:**

August 9, 2021	The City Commission established August 23, 2021 as the date for a public hearing.
August 23, 2021	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published.
September 3, 2021	Estimated date that the record of City Commission action is published in the newspaper.
September 23, 2021	Estimated date the City Commission action is effective.