

**AN ORDINANCE TO ADOPT COMPREHENSIVE ZONING REGULATIONS FOR  
MEDICAL CANNABIS ESTABLISHMENTS BY AMENDING TITLE 17 OF THE  
RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City enacted Ordinance 6497, which included a temporary zoning ordinance prohibiting medical cannabis establishments until further study could be made of medical cannabis establishments; and

WHEREAS, after such further study by city staff and discussion by the Common Council, and in conjunction with SDCL ch. 34-20G, which allows the City to regulate the time, place, manner, and number of medical cannabis establishments within the city, the Common Council desires to enact a comprehensive set of ordinances to regulate the zoning of medical cannabis establishments; and

WHEREAS, the ordinances are intended to balance the varied interests and lessen any potentially deleterious effects on neighboring properties for what will be a new use of property within the City of Rapid City.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.16.020 be amended to include subsection 25 as follows:

**17.16.020 Uses permitted.**

The following uses shall be permitted in the CB central business district:

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23. Microcell wireless communications facilities on buildings as defined in § 17.50.400A;
24. Other temporary, seasonal, and continuous retail business or structure as defined in § 17.50.230H., I., and J;
25. Medical Cannabis Dispensary, if the following requirements are met:
  - a. The property shall not be located within 1,000 feet of a public or private school.
  - b. The property shall not be located within 500 feet of a child care center, church, public park, or property zoned as a residential district.
  - c. The dispensary is operated completely within an enclosed structure.
  - d. The dispensary submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105:
    - i. an operating plan;
    - ii. a waste management plan; and
    - iii. an odor control plan.
  - e. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.16.030 be amended to include an introductory sentence and subsection T as follows:

**17.16.030 Conditional uses.**

The following uses may be permitted in the CB central business district upon compliance with § 17.54.030 and § 17.50.050, as applicable:

A. Filling station, repair garages and carwash establishments;

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S. Artisan distillers operated in compliance with South Dakota law, including SDCL Chapter 35-13.

T. Medical Cannabis Dispensary that meets the requirements of applicable state law but does not qualify as a permitted use under § 17.16.020(25).

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.18.020 be amended to include subsections 35 and 36 as follows:

**17.18.020 Uses permitted.**

The following uses shall be permitted in the GC general commercial district:

1. Retail and distribution establishments, including the manufacture, compounding, processing, packaging or treatment of products for human consumption; sales and display rooms and lots, not including yards for storage of new or used building materials, or yards for any scrap or salvage operations, or for storage or display of any scrap, salvage or secondhand materials. The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted;

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34. Car wash subject to the following considerations:

- a. The property shall not be located within 250 feet of a residential district or dwelling; and
- b. Car washes that do not meet the above consideration shall be reviewed as a conditional use.

35. Medical Cannabis Dispensary, if the following requirements are met:

- a. The property shall not be located within 1,000 feet of a public or private school;
- b. The property shall not be located within 500 feet of a child care center, church, public park, or property zoned as a residential district.

c. The dispensary is operated completely within an enclosed structure.

d. The dispensary submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105:

- i. an operating plan;
- ii. a waste management plan; and
- iii. an odor control plan.

e. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

36. Medical Cannabis Testing Facility in compliance with § 17.50.105.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.18.030 be amended to include an introductory sentence and subsection 36 as follows:

**17.18.030 Conditional uses.**

5. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

K. Medical Cannabis Testing Facility in compliance with § 17.50.105.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.22.030 be amended to include an introductory sentence and subsections P, Q, and R as follows:

**17.22.030 Conditional uses.**

The following uses may be permitted in the LI light industrial district upon compliance with § 17.54.030 and § 17.50.050, as applicable:

A. Single-family residences, subject to the following:

1. Only 1 dwelling unit shall be permitted on each light industrial site under 1 ownership and/or management; and

2. The residential use shall be incidental to the light industrial use and for the purpose of providing security therefor.

...

O. Farm wineries subject to the following regulations:

1. A farm winery is defined as any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;

2. Table, sparkling, and sacramental wines are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;

3. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;

4. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;

5. Accessory uses to a farm winery specifically include, but are not necessarily limited to, the selling of food products, glassware, wine literature and accessories, and/or the serving of food, but specifically excludes the operation of a restaurant.

P. Medical Cannabis Dispensary that meets the requirements of applicable state law but does not qualify as a permitted use under § 17.22.020J.

Q. Medical Cannabis Cultivation Facility.

R. Medical Cannabis Manufacturing Facility.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.24.030 be amended to read in its entirety as follows:

**17.24.030 Conditional uses.**

A. The following uses may be allowed as conditional uses in HI Heavy Industrial upon compliance with § 17.54.030 and § 17.50.050, as applicable:

1. Acid manufacture;

2. Blast furnace or coke oven;

3. Cement, lime, gypsum or plaster of paris manufacture;

4. Distillation of bones;

5. Drop-forge industries manufacturing forging with power hammers;
  6. Explosives, manufacture or storage;
  7. Fat rendering, except as an incidental use;
  8. Fertilizer manufacture;
  9. Garbage, offal or dead animals reduction or dumping;
  10. Glue manufacture;
  11. Ore reduction;
  12. Paper and pulp manufacture;
  13. Processing of junk (junkyard), waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in § 17.50.160;
  14. Refuse dumps;
  15. Rock, sand or gravel or earth excavation, crushing or distribution;
  16. Saw mill;
  17. Slaughter of animals, including poultry killing or dressing;
  18. Smelting of tin, copper, zinc or iron ores;
  19. Stockyards or feeding pens;
  20. Tannery or the curing or storage of raw hides;
  21. Animal kennels;
  22. Missions, subject to the following:
    - a. Provide a detailed program and services plan at time of application, including, but not limited to, hours of operation, and type and extent of supervision;
    - b. Must meet fire, building and health requirements; and
    - c. Any significant modification in the program and services plan will require a new application.
  23. Single-family dwelling units and mobile homes subject to the following:
    - a. Only 1 dwelling unit or mobile home is allowed for each industrial site under 1 ownership and/or management;
    - b. The use is incidental to the industrial use and used only for security purposes or as a caretaker residence;
    - c. Approval of the incidental use is obtained by all applicable emergency service organizations; and
    - d. A conditional use will not be granted when another principal or accessory use, with a high hazard industrial occupancy (as defined by the NFPA) is located on the property. A high hazard industrial occupancy includes structures or facilities where there are processes involving highly combustible, highly flammable or explosive materials, or structures where materials are likely to burn with extreme rapidity or to produce poisonous fumes or gases. Also included are industrial facilities where flammable liquid are routinely handled, used or stored in large quantities, or those facilities where explosive dust from grain, wood, flour, plastic, aluminum, magnesium or similar materials are produced.
  24. Planned developments as regulated in § 17.50.050.
  25. Medical Cannabis Dispensary that meets the requirements of applicable state law but does not qualify as a permitted use under §§ 17.24.020A. and 17.22.020J.
  26. Medical Cannabis Cultivation Facility.
  27. Medical Cannabis Manufacturing Facility.
- B. All other similar uses which the Common Council declares to be special uses; and
- C. On-premises signs as regulated by §§ 17.50.080 through 17.50.100;

- D. Wind energy conversion systems according to the requirement of § 17.50.215; and
- E. Microcell wireless communications facilities on poles as defined in § 17.50.400B.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.30.020 be amended to read in its entirety as follows:

**17.30.020 Uses permitted.**

A. Property and buildings in an SC-1 neighborhood shopping center district shall be used only for the uses enumerated in subsection B of this section; provided, however, that these uses shall be located in a unified shopping center which shall have not less than 5 nor more than 20 shops and stores, at least one of which will typically be a supermarket of not less than 10,000 square feet of gross floor area. The shops and stores of the shopping center shall have a combined total gross floor area of not less than 20,000 square feet.

B. Any of the following uses may be permitted:

1. Antique shop;
2. Apparel store, family, children, men or women;
3. Appliance store;
4. Artist supplies;
5. Automobile parking lot;
6. Bakery goods store;
7. Bank;
8. Barbershop;
9. Beauty shop;
10. Book or stationery store;
11. Camera shop;
12. Candy store;
13. Catering establishment;
14. Cleaning and pressing collection station;
15. Curio shop;
16. Dairy products or ice cream store;
17. Delicatessen;
18. Drugstore or fountain;
19. Dry goods store;
20. Florist shop;
21. Furniture store;
22. Garden centers;
23. Gift shop;
24. Grocery store;
25. Hardware store;
26. Help-yourself laundry;
27. Jewelry store;
28. Meat market;
29. Medical facility;
30. Music store;
31. Newspaper or magazine sales;

32. Notions store;
33. Office supply store;
34. Off-sale liquor and beer;
35. Optometrist sales and service;
36. Paint and decorating shop;
37. Pharmacy;
38. Photographer studio;
39. Radio and television sales and service;
40. Restaurant;
41. Sewing machine sales and service;
42. Shoe store or repair shop;
43. Sod farms;
44. Specialty shop for women;
45. Sporting goods sales;
46. Supermarket;
47. Tailor shop;
48. Theaters;
49. Toy store;
50. Variety store;
51. Offices;
52. Gasoline service or filling stations which shall be planned as an integral part of the center but may be constructed in advance of the remainder of the center. The area covered by the gasoline service or filling stations will not be considered as part of the 25% site area limitation listed in § 17.30.040B., however, the stations must not decrease the off-street parking requirements listed in § 17.30.060;
53. Business signs relating to the shopping center, the stores and shops therein and products sold therein. All business signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center;
54. Accessory buildings and uses customarily incidental to the uses listed in this section;
55. Drop-off centers for household recyclables; such centers do not involve processing;
56. Other uses similar in character to those listed in this section and in conformity with the general description of the district mentioned in § 17.30.010 and which in the opinion of the Common Council will not be injurious to the district; and
57. Other temporary, seasonal, and continuous retail business or structure as defined in § 17.50.230H., I., and J.
58. Medical Cannabis Dispensary, if the following requirements are met:
  - a. The property shall not be located within 1,000 feet of a public or private school;
  - b. The property shall not be located within 500 feet of a child care center, church, public park, or property zoned as a residential district.
  - c. The dispensary is operated completely within an enclosed structure.
  - d. The dispensary submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105:
    - i. an operating plan;
    - ii. a waste management plan; and

- iii. an odor control plan.
- e. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

C. No material or goods offered for sale or stored in connection with the operation of the shopping center shall be stored or displayed outside of a building; provided, however, that, new material or goods which are actively being offered for sale may be temporarily displayed outside of a building; provided, that it shall not be displayed on a public street or sidewalk or in an off-street parking area. Notwithstanding the foregoing, all medical cannabis uses shall comply with § 17.50.105.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.30.030 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**17.30.030 Conditional uses.**

- A. The following uses shall be allowed only as conditional uses:
  - 1. On-sale liquor establishments;
  - 2. Child care centers;
  - 3. Microcell wireless communications facilities on poles as defined in § 17.50.400B; and
  - 4. Medical Cannabis Dispensary that meets the requirements of applicable state law but does not qualify as a permitted use under § 17.30.020B.58.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.32.020 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**17.32.020 Uses permitted.**

A. Property and buildings in an SC-2 neighborhood shopping center district shall be used only for the uses enumerated in subsection B. of this section; provided, however, that, these uses shall be located in a unified shopping center which shall have not less than 5 nor more than 20 shops and stores, at least one of which will typically be a supermarket of not less than 10,000 square feet of gross floor area.

The shops and stores of the shopping center shall have a combined total gross floor area of not less than 20,000 square feet.

- B. Any of the following uses may be permitted:
  - 1. Stores and shops:
    - a. Antique shop;
    - b. Apparel store, family, children, men or women;
    - c. Appliance store;
    - d. Artist supplies;
    - e. Automobile parking lot;
    - f. Automobile sales and display area;
    - g. Bakery goods store;
    - h. Bank;
    - i. Barbershop;
    - j. Beauty shop;
    - k. Book or stationery store;

- l. Camera shop;
- m. Candy store;
- n. Catering establishment;
- o. Cleaning and pressing collection station;
- p. Curio shop;
- q. Dairy products or ice cream store;
- r. Delicatessen;
- s. Department store;
- t. Drugstore or fountain;
- u. Dry goods store;
- v. Florist shop;
- w. Furniture store;
- x. Garden centers;
- y. Gift shop;
- z. Grocery store;
- aa. Hardware store;
- bb. Help-yourself laundry;
- cc. Jewelry store;
- dd. Meat market;
- ee. Medical facility;
- ff. Music store;
- gg. Newspaper or magazine sales;
- hh. Notions store;
- ii. Office supply store;
- jj. Off-sale liquor and beer;
- kk. Optometrist sales and service;
- ll. Paint and decorating shop;
- mm. Pharmacy;
- nn. Photographer studio;
- oo. Radio and television sales and service;
- pp. Restaurant;
- qq. Sewing machine sales and service;
- rr. Shoe store or repair shop;
- ss. Sod farms;
- tt. Specialty shop for women;
- uu. Sporting goods sales;
- vv. Supermarket;
- ww. Tailor shop;
- xx. Theaters;
- yy. Toy store; and
- zz. Variety store.
- aaa. Other temporary, seasonal, and continuous retail business or structure as defined in

§ 17.50.230H., I., and J.

2. Offices;

3. Gasoline service or filling stations which shall be planned as an integral part of the center, but may be constructed in advance of the remainder of the center. The area covered by



the gasoline service or filling stations will not be considered as part of the 25% site area limitation listed in § 17.32.040B., however, the stations must not decrease the off-street parking requirements listed in § 17.32.060;

4. Business signs relating to the shopping center, the stores and shops therein and products sold therein. All business signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center;

5. Accessory buildings and uses customarily incidental to the uses listed in this section;

6. Drop-off centers for household recyclables; such centers do not involve processing;

7. Medical Cannabis Dispensary, if the following requirements are met:

a. The property shall not be located within 1,000 feet of a public or private school.

b. The property shall not be located within 500 feet of a child care center, church, public park, or property zoned as a residential district.

c. The dispensary is operated completely within an enclosed structure.

d. The dispensary submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105:

i. an operating plan;

ii. a waste management plan; and

iii. an odor control plan;

e. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

and

8. Other uses similar in character to those listed in this section and in conformity with the general description of the district mentioned in § 17.32.010 and which in the opinion of the Common Council will not be injurious to the district.

C. No material or goods offered for sale or stored in connection with the operation of the shopping center shall be stored or displayed outside of a building; provided, however, that, new material or goods which are actively being offered for sale may be temporarily displayed outside of a building; provided, that, it shall not be displayed on a public street or sidewalk or in an off-street parking area.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.32.030 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**17.32.030 Uses permitted on review.**

A. The following uses shall be allowed only as conditional uses:

1. On-sale liquor establishments;

2. Replacement off-premises advertising, subject to the following:

a. **REPLACEMENT OFF-PREMISES ADVERTISING** means new off-premises advertising structures that replace off-premises advertising structures, which are present in the Shopping Center-2 zoning district as a lawful pre-existing nonconforming use;

b. Any replacement off-premises advertising shall conform in all respects with the signcode as adopted and in effect at the time of the issuance of the conditional use permit;

c. Any replacement off-premises advertising shall not be larger, higher, or more extensive than the off-premises advertising structure it replaces;

d. A conditional use permit may be issued only if the Council finds that it is probable that the existing nonconforming use will continue for more than 10 years, unless the location, construction, use, and operation of the replacement off-premises sign is permitted.

3. Child care centers;
4. Microcell wireless communications facilities on poles as defined in § 17.50.400B; and
5. Medical Cannabis Dispensary that meets the requirements of applicable state law but does not qualify as a permitted use under § 17.32.020B.7.

BE IT FURTHER ORDAINED by the City of Rapid City that Table 17.66.020 of Section 17.66.020 of the Rapid City Municipal Code be amended as follows:

**Table 17.66.020**

<i>Use</i>	<i>Permitted/ Conditional</i>	<i>Supplemental Regulations</i>	
Adult day care center	C	17.66.070.A	
Antique and used furniture	P	17.66.070.B	
Artisan distillers	C	17.66.070.C	
Art centers	P		
Assisted living centers	C	17.66.070.D	
Auto service and repair	C	17.66.070.E	
Business and vocational schools	P	17.66.070.F	
Business service establishments	P	17.66.070.G	
Carwashes	C	17.66.070.H	
Child care centers	C	17.50.150	
Churches	P		
Civic organizations, clubs, and lodges	P		
Colleges and universities	P		
Commercial, job and newspaper printing	P		
Dwelling units in mixed-use buildings	P		
Dwelling units, multifamily	P	17.66.070.I	
Dwelling units, live-work	P		
Eating and drinking establishments, not including drive-throughs	P		
Establishments offering repair services on items brought in by customers, excluding automobiles	P		
Financial institutions	P	17.66.070.J	
Fraternities, sororities, and denominational student headquarters	C		

Fueling stations	C	17.66.070.K
Group homes	C	17.66.070.L
Hospitals	C	
Hotels and motels	P	
Indoor craft and flea market	P	17.66.070.M
Innovation centers	P/C	17.66.070.N
Libraries	P	
Limited production and processing	P/C	17.66.070.O
Medical Cannabis Dispensary	P/C	17.66.070.W; 17.50.105
Microbreweries	C	17.66.070.P
Microcell wireless communications facilities on buildings as defined in § 17.50.400.A.	P	
Microcell wireless communication facilities on poles as defined in § 17.50.400.B.	C	
Missions	C	17.66.070.Q
Mixed-use development	P	
Offices, studios, clinics, and laboratories	P	
Off-premises signs	C	17.50.080 – 17.50.100
On-premises signs	P	17.50.080 – 17.50.100
On-sale liquor establishments	C	5.12.030; 17.50.185
Other temporary, seasonal, and continuous retail businesses or structures	P	17.50.230.H–J
Other uses and structures which are customarily accessory and clearly incidental to permitted uses	P	
Parking garages, principal or accessory use	C	17.66.060
Parking lots, principal use	C	17.66.060
Personal service establishments	P	
Pet stores	C	17.66.070.R
Planned development overlay	C	17.50.050
Public buildings and grounds	P	
Radio, television, and cellular communication station and transmission towers	C	17.50.400
Retail stores, sales, and display rooms and shops	P	17.66.070.S
Sign contractor shop	P	17.66.070.T
Utility substations	P	

Veterinary establishments	C	17.66.070.U
Wineries	C	17.66.070.V

BE IT FURTHER ORDAINED by the City of Rapid City that Subsection W be added to Section 17.66.070 of the Rapid City Municipal Code as follows:

**17.66.070 Supplemental regulations.**

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for uses in this chapter are applicable to uses as specified by Table 17.66.020 in § 17.66.020. All conditional uses shall comply with the regulations in § 17.54.030.

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W. *Medical Cannabis Dispensary.* Uses of this nature are permitted uses if criteria 1. through 4. are met. Uses of this nature are conditional uses if any of criteria 1. through 4. are not met.

1. The property shall not be located within 1,000 feet of a public or private school;
2. The property shall not be located within 500 feet of a child care center, church, public park, or property zoned as a residential district.
3. The dispensary is operated completely within an enclosed structure.
4. The dispensary submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105:
  - a. an operating plan;
  - b. a waste management plan; and
  - c. an odor control plan.
5. The dispensary complies with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.105 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**17.50.105 Medical Cannabis Establishments.**

A. *Purpose and intent.* It is the purpose of this section to regulate medical cannabis establishments to promote the health, safety, and general welfare of the citizens of Rapid City, and to establish reasonable and uniform regulations to allow medical cannabis land uses in appropriate areas without harm to the city’s residential, commercial, and industrial neighborhoods.

B. *Definitions.* The following words, terms, and phrases, when used in relation to medical cannabis establishments, shall have the meanings ascribed to them as follows:

1. *Cannabis products* means 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.

2. *Church* means a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.
3. *Medical cannabis cultivation facility* or *cultivation facility* means an enterprise, whether for profit or not, that carries on any activity involving the planting, growing, cultivation, harvesting, drying, curing, grading, or trimming of cannabis for the purpose of sale to others.
4. *Medical cannabis dispensary* or *dispensary* means an enterprise, whether for profit or not, that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies.
5. *Medical cannabis establishment* means a business enterprise registered by the State of South Dakota Department of Health as a medical cannabis cultivation facility, a medical cannabis dispensary, a medical cannabis manufacturing facility, or a medical cannabis testing facility.
6. *Medical cannabis product manufacturing facility* or *manufacturing facility* means an enterprise, whether for profit or not, that carries on any activity involving the compounding, blending, extracting, infusing, or otherwise making or preparing of a cannabis product.
7. *Medical cannabis testing facility* or *testing facility* means an enterprise, whether for profit or not, that undertakes any analysis to examine or determine the potency or safety of cannabis or cannabis products.
8. *Public or private school* means any kindergarten, elementary school, primary school, middle school, junior high school, high school, or alternative or other secondary school, whether public, private, or parochial.
9. *Public park* means a green space or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, athletic field, basketball or tennis courts, or other similar public land which is under the control, operation, or management of Rapid City park and recreation authorities.
10. *Residential district* means LDR-1, LDR-2, MDR, HDR, MHR, and PF zoning districts, and any other district created after the effective date of Ordinance 6500 that may have residential uses as the primary intended purpose of the district. It shall also include properties zoned OC when developed as a residential use.

Any term not specifically defined herein shall have the meaning ascribed to it by Chapter 17.04 or applicable state law.

C. *Location of establishments.* Medical cannabis establishments shall meet the location requirements of state law. In addition, medical cannabis establishments shall meet the following requirements:

1. A medical cannabis establishment shall not be permitted to operate within 1,000 feet of a public or private school.
2. Cultivation and manufacturing facilities shall not be permitted to operate within 500 feet of a child care center, church, public park, or property zoned as a residential district.
3. A dispensary may be permitted to operate within 500 feet of a child care center, church, public park, or a property zoned as a residential district only by obtaining a conditional use permit pursuant to § 17.54.030, and Subsection D below.

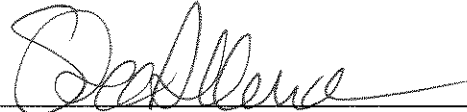
4. All measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a medical cannabis establishment to the nearest property line of the premises of those facilities or boundaries outlined above.

D. *Requirements for Operation.* Medical cannabis establishments shall meet the following requirements:

1. All establishments must be wholly contained within an enclosed structure.
2. All applicants shall submit an operational plan detailing compliance with all applicable laws, regulations, administrative rules, and ordinances. The plan shall include an identification of the type of establishment, scaled drawings of the site and floorplan, operating hours, safety plans, security plans, and any other plans or information required by the Department of Health for registration as a medical cannabis establishment.
3. Applicants shall submit a waste management plan detailing waste handling and security. Wastewater pretreatment processes shall also be submitted if the medical cannabis establishment qualifies as an industrial user.
4. Applicants shall submit an odor control plan that shows all ventilation, odor abatement, and any other measures taken to prevent nuisances. The premises of an establishment shall be properly ventilated and the exhaust air filtered or treated to neutralize the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the property line of the premises or on any adjoining property. No operable windows or exhaust vents shall be located on the building façade that abuts a residential use or zone. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones.
5. Applicant shall submit a survey stamped by a professional licensed surveyor, if required by the Director, to show distances to schools, churches, parks, or residential zoned property. The survey may be required by the Director if the distances required above are within 5% of the requirement as shown by the City's GIS Division's mapping application.
6. Registration with the South Dakota Department of Health shall be required for operation of any medical cannabis establishment. Failure to obtain a registration certificate, or revocation of a registration certificate, shall disqualify the establishment as a permitted use in all zoning districts and shall be sufficient cause for revocation of a conditional use permit.

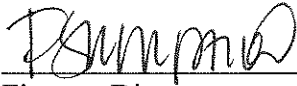
BE IT FURTHER ORDAINED by the City of Rapid City that if any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are declared to be severable.

**CITY OF RAPID CITY**



\_\_\_\_\_  
Mayor

Attest



\_\_\_\_\_  
Finance Director

(seal)

First Reading:       September 20, 2021  
Second Reading:     October 4, 2021  
Published:            October 9, 2021  
Effective:             October 29, 2021