

ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING DEFINITIONS, SECTION 503-507 OF ARTICLE 5; SECTION 603-607 OF ARTICLE 6; SECTION 703-707 OF ARTICLE 7; SECTION 803-807 OF ARTICLE 8; SECTION 903-907 OF ARTICLE 9; SECTION 1003, SECTION 1007 OF ARTICLE 10 FOR STANLEY COUNTY ZONING ORDINANCE NOVEMBER 29, 1999 OF STANLEY COUNTY, SOUTH DAKOTA, RELATING TO MEDICAL CANNABIS ESTABLISHMENTS IN THE PLANNING AND ZONING DISTRICTS OF STANLEY COUNTY, SOUTH DAKOTA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF STANLEY COUNTY, SOUTH DAKOTA:

SECTION 1: That the Definitions of the Stanley County Zoning Ordinance be amended to the following:

DEFINITIONS: Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1. Amend Definitions, 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. 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 the 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 of 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: 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.

Department: the South Dakota Department of Health

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.

Certain uses declared incompatible and excluded: 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.

SECTION 2: That Article 5, Section 5-506, reserved, be amended to the following:

Section 506: Certain uses declared incompatible and excluded

The following uses are hereby declared incompatible with the purpose of the Agriculture District (AG) and are hereby expressly excluded.

1. Medical Cannabis Establishments.

SECTION 3: That Article 6, Section 6-606, reserved, be amended to the following:

Section 606: Certain uses declared incompatible and excluded

The following uses are hereby declared incompatible with the purpose of the Low Density Rural Residential (R1) and are hereby expressly excluded.

1. Medical Cannabis Establishments.

SECTION 4: That Article 7, Section 7-706, reserved, be amended to the following:

Section 706: Certain uses declared incompatible and excluded

The following uses are hereby declared incompatible with the purpose of the Medium Density Rural Residential (R2) and are hereby expressly excluded.

1. Medical Cannabis Establishments.

SECTION 5: That Article 8, Section 8-806, reserved, be amended to the following:

Section 806: Certain uses declared incompatible and excluded

The following uses are hereby declared incompatible with the purpose of the High Density Rural Residential (R3) and are hereby expressly excluded.

1. Medical Cannabis Establishments.

SECTION 6: That Article 9, Section 9-906, reserved, be amended to the following:

Section 906: Certain uses declared incompatible and excluded

The following uses are hereby declared incompatible with the purpose of the Platted Town Site Residential (R4) and are hereby expressly excluded.

1. Medical Cannabis Establishments.

SECTION 7: That Article 10, Section 10-1003 and 10-1007 be amended and the following use of medical cannabis establishment is hereby declared compatible with the purposes of the Rural Commercial District (RC) and are hereby expressly included, and Article 10 by amended, as follows:

Section 1003: Permitted Principal Uses and Structures

23. Medical Cannabis Establishments.

Section 1007: Conditional Uses

5. Medical Cannabis Dispensary.

SECTION 8: That all ordinances or parts thereof in conflict herewith are hereby repealed.

Passed and adopted upon vote of All (for) to None (against), this 5th day of October, 2021.

DANA IVERSEN, Chairman
Stanley County Board of Commissioners

Dated this 5th day of October, 2021

PHILENA BURTCH, Auditor
Stanley County, South Dakota

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