

ORDINANCE NO. B2022-01-02

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE XI "ZONING DISTRICTS, AND ARTICLE XII "GENERAL REQUIREMENTS, ADOPTED BY ORDINANCE B2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF DEUEL.

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that ARTICLE XI "Zoning Districts" Section 1102.04 Commercial/Industrial "Conditional Uses" adopted by Ordinance B2004-01, as amended, of the Zoning Ordinance of the Deuel County be amended by adding language in bold and underline and removing strikeout language:

Section 1102.04 Conditional Uses

18. ~~Commercial stables;~~ (Reserved)

31. Temporary structures used for the sale of fireworks during times of the year specified in SDCL 34-37 where there have been ~~no~~ past violations regarding previous sales.

32. Cannabis Cultivation facility

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that that Article XII, "GENERAL REGULATIONS" Section 1238. Accessory Buildings, adopted by Ordinance B2004-01, as amended, of the Zoning Ordinance of Deuel County be amended by removing strikeout language:

Section 1238. ACCESSORY BUILDINGS.

~~8. — Agricultural District. In any Agricultural district, any accessory use customarily incident to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.~~

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that that Article XII, "GENERAL REGULATIONS" Section 1217. Cannabis Dispensaries, adopted by Ordinance B2004-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding be amended by adding language in bold and underline and removing strikeout language:

SECTION 1217. CANNABIS DISPENSARIES **AND CULTIVATION** FACILITIES.

1. Maximum Number of Cannabis Dispensaries.

- b. The County shall allow up to one **(1)** cannabis ~~dispensaries~~ **dispensary and one (1) cannabis cultivation facility** provided the time, place, and manner of said dispensaries comply with this ordinance.
- c. The County shall allow up to one cannabis dispensaries provided the time, place, and manner of said dispensaries comply with this ordinance.

2. Required Separation Distances

- a. A cannabis dispensary **or cannabis cultivation facility** shall be located not less than 1500 feet from a public or private school, public or private parks and playgrounds, public or private youth centers, and swimming pools existing before the date of the cannabis dispensary application;
- b. A cannabis dispensary **or cannabis cultivation facility** shall be located not less than 1500 feet from any churches, residences, libraries, daycare facilities, other cannabis dispensaries existing before the date of the cannabis dispensary application;

4. Other Locational Requirements

- a. Permanent or temporary dispensaries **or cannabis cultivation facilities** are prohibited in all other zoning districts, **other than the "CI" – Commercial/Industrial District**, and not eligible for a home occupation use.

6. Documentation of State Licensure.

- a. No cannabis dispensary **or cannabis cultivation facility** 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.

7. The Zoning Officer is authorized to issue permits (building/use) for cannabis **dispensaries or cannabis cultivation facilities** subject to following:

- a. 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 Officer to determine compliance with this ordinance
- b. Documentation of ability to meet setback/separation requirements
- c. Documentation of State Licensure

- d. All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

Passed and adopted this 6th day of December, 2022.

Chairperson
Deuel County, SD

Auditor
Deuel County, SD

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: November 28, 2022
2nd Reading: December 6, 2022
Adopted: December 6, 2022
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