

**ARTICLE XI  
ZONING REGULATIONS FOR CANNABIS ESTABLISHMENTS**

**Section 1.**

That a NEW CHAPTER be ADDED to the Sturgis City Code under Title 18 – Zoning– to read as follows:

“Article 11 – Cannabis Establishments

**11-1-1: INTENT**

In order to minimize the negative effects cannabis establishments have on adjacent land uses, and to promote the public health, safety and general welfare of the city, the City Council adopts the following regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods. Adoption of these regulations is not intended to unreasonably restrict the opportunity of cannabis establishments to locate in the city, but is for the purpose of preventing a concentration of certain cannabis establishments in any one area.

**11-1-2: 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.

**BLIGHTED AREA:** an area characterized by traits such as dilapidation, overcrowding, deterioration, dangerous structures, unsanitary, inadequate infrastructure, nuisance, or other factors which inhibit the growth and development of an area.

**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 a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

**CANNABIS CULTIVATION FACILITY:** a licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

**CANNABIS DISPENSARY:** a licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

**CANNABIS PRODUCT MANUFACTURING FACILITY:** a licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

**CANNABIS TESTING FACILITY:** a licensed entity legally authorized to analyze the safety and potency of cannabis.

**CANNABIS ESTABLISHMENT:** a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

**MENTAL HEALTH FACILITY:** an entity engaged in diagnosing, treating, caring for, or counseling people requiring mental health services, including substance abuse disorders, but which does not regularly provide other types of personal health services.

**NON-LICENSED CANNABIS ESTABLISHMENT:** an entity which would otherwise meet the definition of a cannabis establishment, but which is not licensed.

### **11-1-3: REGULATIONS RELATING TO CANNABIS CULTIVATION FACILITIES**

No cannabis cultivation facility may be owned or operated at a location within the City's zoning jurisdiction except as provided by this section. A cannabis cultivation facility is a permitted use in the following districts: G1-1 General Industrial. All facilities must include alarm systems, camera systems and safes as approved by the Chief of Police.

### **11-1-4: REGULATIONS RELATING TO CANNABIS TESTING FACILITIES**

No cannabis testing facility may be owned or operated at a location within the City's zoning jurisdiction except as provided by this section. A cannabis testing facility is a permitted use in the following districts: G1-1 General Industrial. All facilities must include alarm systems, camera systems and safes as approved by the Chief of Police.

### **11-1-5: REGULATIONS RELATING TO CANNABIS PRODUCT MANUFACTURING FACILITIES**

No cannabis product manufacturing facility may be owned or operated at a location within the City's zoning jurisdiction except as provided by this section. A cannabis product manufacturing facility is a permitted use in the following districts: G1-1 General Industrial. All facilities must include alarm systems, camera systems and safes as approved by the Chief of Police.

### **11-1-6: REGULATIONS RELATING TO CANNABIS DISPENSARIES**

A. No cannabis dispensary may be owned or operated at a location within the City's zoning jurisdiction except as provided by this section. A cannabis dispensary is a permitted use in the following districts: GC-1 General Commercial and GC-2 Retail Commercial District and HS-1 Highway Service. All facilities must include alarm systems, camera systems and safes as approved by the Chief of Police.

B. No cannabis dispensary may operate within two hundred feet (200') of a residential zone within the City of Sturgis. No cannabis dispensary may operate within one thousand feet (1,000') of another cannabis dispensary. Distances are measured from the closest point of the property lines but exclude public rights of way. Such buffer distance requirements may be waived via the variance process so long as the zoning district for the proposed location would be allowed if the applicable buffer distance requirement were waived.

**11-1-7: PROHIBITED DISTRICTS FOR CANNABIS ESTABLISHMENTS**

A. All types of cannabis establishments are prohibited in every other district not described in the preceding sections of this ordinance. These include: all residential districts, AG-1 Agricultural, Park Land, Public Land, GC-3 Single Family Residential/Office Commercial, OS-1 Open Space or Flood Plain, NU Transitional, FAIR- Fairgrounds, RV-RV Campground and Recreational Vehicle Park.

B. Unlicensed cannabis establishments are prohibited in all zoning districts.

**Section 2.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 3.**

The City Finance Officer must publish cause notice of adoption of this ordinance in the official newspaper. This ordinance becomes effective twenty (20) days after completed publication unless the referendum is invoked.

**(Article XI added by Ordinance 2021-06, effective 10/5/2021)**