


**ORDER: APPROVE PROPOSED AMENDMENTS TO THE LAFAYETTE  
COUNTY ZONING ORDINANCE CONCERNING MEDICAL  
CANNABIS**

Motion was made by Brent Larson, duly seconded by David Rikard, to approve proposed amendments to the Lafayette County Zoning Ordinance concerning Medical Cannabis.

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes  
Supervisor Larry Gillespie, voted yes  
Supervisor David Rikard, voted yes  
Supervisor Chad McLarty, absent  
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 5<sup>th</sup> day of July, 2022.

  
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Mike Roberts, President  
Board of Supervisors

  
\_\_\_\_\_  
Sherry Wall, Chancery Clerk

***These amendments permit cannabis dispensaries in the C-2 District only and cannabis cultivation, processing, and testing in the I-2 District only***

Proposed amendments are in red.

## **ARTICLE II: INTERPRETATION AND DEFINITIONS**

### **SECTION 201 – DEFINITIONS**

Cannabis - means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

Cannabis cultivation facility - means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates, and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis disposal entity - means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis processing facility - means a business entity that is licensed and registered by the Mississippi Department of Health that:

- (i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
- (ii) Possesses cannabis with the intent to manufacture a cannabis product;
- (iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
- (iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

Cannabis products - means cannabis flower, 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, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures, and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136.

Cannabis research facility or research facility - means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(i) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

(j) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Canopy - means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

Cardholder - means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registry identification card

Edible cannabis products - means products that:

- (i) Contain or are infused with cannabis or an extract thereof;
- (ii) Are intended for human consumption by oral ingestion; and

(iii) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges, and other similar products.

Entity - means a corporation, general partnership, limited partnership, or limited liability company that has been registered with the Secretary of State as applicable.

MDOH - means the Mississippi Department of Health.

Medical cannabis - means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

Medical cannabis dispensary or dispensary - means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies, or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

Medical cannabis establishment - means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

Medical cannabis establishment agent - means an owner, officer, board member, employee, volunteer, or agent of a medical cannabis establishment.

Registry identification card - means a document issued by the MDOH that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.

School - means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

## **ARTICLE V: RURAL DISTRICT (A-1)**

### **SECTION 503 – PROHIBITED USES**

- A. Commercial Feedlots.
- B. Commercial Poultry Farms.
- C. Junk/Salvage Yards.
- D. I-2 Industrial uses
- E. Manufactured Housing Subdivisions and Parks.
- F. Medical cannabis dispensaries

## **ARTICLE VI: AGRICULTURAL DISTRICT (A-2)**

### **SECTION 603 – PROHIBITED USES**

- A. Medical cannabis dispensaries

### **SECTION 604 – DIMENSIONAL REQUIREMENTS**

604.01 Maximum Building Height: 35 feet. There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy.

604.02 Minimum Lot Area: One (1) acre for conditional uses.

604.03 Minimum Lot Width and Yards: No minimum lot widths or yards are required for A-2 zones for uses permitted outright. However, all uses permitted as conditional uses shall require Site Plan Review.

604.04 Minimum Yard/Setback:

- A. Front yard: 30 feet.
- B. Side yards: 10 feet.
- C. Rear yard: 10 feet.

604.05 Buffer and Screening Requirements: Abutting Use Districts: Not Applicable

Min Width: N/A

Min Height: N/A

## **SECTION 605 – COMPLIANCE WITH LAND DEVELOPMENT STANDARDS AND REGULATIONS, BUILDING CODES AND OTHER COUNTY REGULATIONS**

The Developer, owner and contractor proposing a subdivision of land, commercial enterprise, apartment complex, condominium development and other developments as defined herein, and the construction, occupancy and use of any structure must also comply with the applicable requirements contained in the Lafayette County Land Development Standards and Regulations, Building Codes and other ordinances adopted by the Lafayette County Board of Supervisors.

## **ARTICLE VII: RURAL COMMUNITY PRESERVATION DISTRICT (RCP)**

### **SECTION 703 – PROHIBITED USES**

- A. Commercial Feedlots.
- B. Commercial Poultry Farms.
- C. I-2 Industrial uses.
- D. Junk/Salvage Yards.
- E. Manufactured Housing Subdivisions and Parks.
- F. Medical cannabis dispensaries

## **ARTICLE XIV: COMMERCIAL MEDIUM DENSITY DISTRICT (C-2)**

### **SECTION 1402– CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2105**

- A. Plant nurseries.
- B. Building materials sales where some or all such materials are displayed outdoors or are visible from roads or highways.
- C. Condominiums and loft-style apartments that are developed in connection with commercial establishments.
- D. Country stores.
- E. Pawn Shops.
- E. Tattoo Parlors.

- F. Title loan and check cashing establishments.
- G. Recreational Vehicle (RV) developments.
- H. Hotels and Motels.
- I. Businesses purchasing gold or other precious metals as a primary business.
- J. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive- in theaters, etc.
- K. Veterinary clinics and hospitals with outside dog runs.
- L. Public or quasi-public facilities and utilities in compliance with 402 and other regulations of this Ordinance.
- M. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide Lafayette County Board of Supervisors with written proof of the same.
- N. Mini-warehouses
- O. Medical cannabis dispensaries in accordance with all state regulations and the Lafayette County Medical Cannabis Ordinance.
- P. Medical cannabis testing and research facilities in accordance with all state regulations and the Lafayette County Medical Cannabis Ordinance.

## **ARTICLE XV: COMMERCIAL HIGH DENSITY DISTRICT (C-3)**

### **SECTION 1501 – LAND USES PERMITTED**

A. Any use permitted in the C-2 Commercial Medium Density District, subject to all regulations of that District.

Exception: Medical cannabis dispensaries

B. Boat and marine sales, rental/lease, and service.

C. Warehousing and storage, provided that all storage is within enclosed structures; such as mini-warehouses.

D. Country stores.

E. Veterinary Clinics and hospitals with outside dog runs.

F. Other similar enterprises or businesses of the same nature which are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, not to include those uses which are first permitted in the I-1 District.

## **ARTICLE XVI: LIGHT INDUSTRIAL DISTRICT (I-1)**

### **SECTION 1601 – LAND USES PERMITTED**

The following land uses shall be permitted in I-1 districts, provided such uses conform to standards established by appropriate Federal and State regulatory agencies:

A. Any uses permitted in C-2 and C-3 districts, subject to all regulations of the C-2 and C-3 Districts.

Exception: Medical cannabis dispensaries

## **ARTICLE XVII: HEAVY INDUSTRIAL DISTRICT (I-2)**

### **SECTION 1701 – LAND USES PERMITTED**

The land uses first permitted in I-2 districts may include those where manufacturing or storage of materials occurs outside of enclosed structures as well as those within enclosed structures, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

A. Any use permitted in an I-1 district, subject to I-1 regulations.

B. Manufacturing activities conducted entirely or partially out-of-doors, such as cement manufacturing and sawmills.

C. Warehousing uses.

D. Television and radio transmitters.

E. Medical cannabis cultivation facilities in accordance with all state regulations and the Lafayette County Medical Cannabis Ordinance.

F. Medical cannabis processing facilities in accordance with all state regulations and the Lafayette County Medical Cannabis Ordinance.

E. Any other use which the Board of Supervisors determine to be of the same character and nature as those specifically permitted above.