

**CITY OF COLUMBIA FALLS
ORDINANCE 812**

TITLE 18 ZONING REGULATIONS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA
FALLS, MONTANA AMENDING TITLE 18 ZONING TEXT FOR PROVISIONS
RELATED TO ADULT USE MARIJUANA BUSINESS AND AMENDING THE
COLUMBIA FALLS ZONING MAP FOR THE ADDITION OF AN ADULT USE
MARIJUANA BUSINESS OVERLAY ZONE**

WHEREAS, the City Council desires to amend and update municipal code pursuant to State Legislature adoption of provisions related to Adult Use Marijuana businesses; and

WHEREAS, the Columbia Falls City-County Planning Board held a public hearing on Tuesday, October 12, 2021 whereby they adopted an amended Staff Report CZTA-21-01 and recommended approval to the City Council; and

WHEREAS, the City Council held a public hearing on Monday, October 18, 2021 during its regular meeting, after said hearing was advertised according to law; and at the hearing, the City Council considered any and all comments filed or voiced with respect to the text and map amendments; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code and Zoning Map are in the best interests of the City.

NOW THEREFORE, be it ordained by the Council of the City of Columbia Falls, in the State of Montana, as follows:

SECTION 1: **AMENDMENT** “18.336.020 Permitted Uses” of the Columbia Falls Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.336.020 Permitted Uses

- A. Accessory building or use;
- B. Assembly halls, coliseums, stadiums;
- C. Automobile sales (new and used) and accessory sales;
- D. Automobile parking, commercial enterprise;
- E. Automobile parking, in conjunction with permitted uses;
- F. Automobile service station;
- G. Banks and other financial institutions;
- H. Boat sales, new and used;
- I. Car wash, automatic coin-operated;

- J. Car washing and waxing, enclosed;
- K. Clinic, medical and dental;
- L. Clubs and other places of entertainment operated as commercial enterprises;
- M. Colleges, business schools, trade schools, music conservatories, dance schools; provided that no students reside on campus;
- N. Commercial recreation area;
- O. Drug stores;
- P. Dwelling, single-family;
- Q. Food stores, supermarkets, delicatessens;
- R. Hotel, motel;
- S. Laundromat, self-service coin-operated;
- T. Laundry pick-up station;
- U. Libraries, museums, and art galleries;
- V. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
- W. Lumber yards, building materials; storage and sales;
- X. Marijuana dispensary within a Marijuana Business Overlay;
- Y. Nursery, landscaping materials;
- Z. Office; professional, public and private;
- AA. Parks;
- AB. Pet shops, bird stores, taxidermists;
- AC. Pharmacy;
- AD. Public transportation shelter stations;
- AE. Public utility service installations;
- AF. Quasi-public buildings, nonprofit;
- AG. Recreational vehicle park;
- AH. Restaurants, except drive-ins;
- AI. Retail sales and service;
- AJ. Shopping malls;
- AK. Storage, within the building, of goods intended for retail sales on premises;
- AL. Taverns;
- AM. Taxi stands;
- AN. Theaters, housed in permanent indoor structures;
- AO. Micro-Brewery, Brew Pub and Mini Brewery;
- AP. Vacation Rental.

SECTION 2: **AMENDMENT** “18.342.020 Permitted Uses” of the Columbia Falls Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.342.020 Permitted Uses

The permitted uses in the CI-1 district are as follows:

- A. Accessory building or use;
- B. Automobile and boat sales and service;
- C. Automobile service station;
- D. Building supply outlets;
- E. Contractors yards;
- F. Heavy equipment sales, rental, and service;
- G. Manufacturing, fabricating, processing, repairing, packing, or storage facilities provided that such uses do not produce objectionable by-products (dirt, noise, glare, heat, odors, smoke, etc.) beyond the lot lines and that the uses do not involve materials that are explosive, hazardous, or toxic;
- H. Marijuana Cultivation and Manufacturing;
- I. Nurseries and landscape materials, wholesale and retail;
- J. Parcel delivery services;
- K. Parks;
- L. Research laboratories and institutions;
- M. Tire sales, recapping and retreading.

SECTION 3: **AMENDMENT** “18.344.020 Permitted Uses” of the Columbia Falls Municipal Code is hereby *amended* as follows:

AMENDMENT

18.344.020 Permitted Uses

The permitted uses in the CI-2 district are as follows:

- A. Accessory building or use;
- B. Contractors yards;
- C. Manufacturing, fabricating, processing, repairing, packing, or storage facilities;
- D. Marijuana Cultivation and Manufacturing;
- E. Parcel delivery services;
- F. Parks;
- G. Petroleum products, wholesale and retail;
- H. Railroad yards.

SECTION 4: **AMENDMENT** “18.318.020 Permitted Uses” of the Columbia Falls Municipal Code is hereby *amended* as follows:

AMENDMENT

18.318.020 Permitted Uses

The permitted uses in the CSAG-10 district are as follows:

- A. Accessory building or use;
- B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
- C. Class A manufactured homes;
- D. Dairy farm;
- E. Dairy products processing, bottling, and distribution;
- F. Dwelling, single-family;
- G. Guest house;
- H. Home Occupations (see Special Provisions);
- I. Marijuana Cultivation;
- J. Nursery, landscaping materials;
- K. Parks;
- L. Produce stands;
- M. Public transportation shelter stations;
- N. Public utility service installations;
- O. Riding academy, rodeo arena;
- P. Stables, public and private.

SECTION 5: **ADOPTION** “Chapter 18.447 Marijuana Dispensaries” of the Columbia Falls Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 18.447 Marijuana Dispensaries(*Added*)

A. The city council may amend the zoning jurisdiction regulations and create within the CB-2 district a specific geographic area defined as marijuana business overlay zone.

B. A marijuana dispensary may only be located within a CB-2 district in a location specifically designated marijuana business overlay zone on the official zoning jurisdiction map and in compliance with Montana Code Annotated (MCA) restrictions. The dispensary use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the dispensary premises.

SECTION 6: **ADOPTION** “18.626.042 Marijuana” of the Columbia Falls Municipal Code is hereby *added* as follows:

A D O P T I O N

18.626.042 Marijuana(*Added*)

“Marijuana “means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. It does not include hemp, including any part of that plant, including the seeds 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 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to provide topical or oral administrations, food, drink, or other products. The term also does not include a drug approved by the United States Food and Drug Administration pursuant to Section 505 of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. 301, et seq.

SECTION 7: **ADOPTION** “18.626.043 Marijuana Cultivation” of the Columbia Falls Municipal Code is hereby *added* as follows:

A D O P T I O N

18.626.043 Marijuana Cultivation(*Added*)

“Marijuana cultivation” means a use operated by a person licensed by the State of Montana to (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary. The use and placement of marijuana cultivation must be in compliance with Montana Code Annotated (MCA). The use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the cultivation premises. A cultivator may not cultivate marijuana in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

SECTION 8: **ADOPTION** “18.626.044 Marijuana Dispensary” of the

Columbia Falls Municipal Code is hereby *added* as follows:

ADOPTION

18.626.044 Marijuana Dispensary(*Added*)

“Marijuana dispensary” means a licensed premises from which a person licensed by the State of Montana may (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the State; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both. The location of a marijuana dispensary shall be located within CB-2/marijuana business zoning and shall be in compliance with Montana Code Annotated (MCA). The use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the dispensary premises.

SECTION 9: **ADOPTION** “18.626.045 Marijuana Manufacturing” of the Columbia Falls Municipal Code is hereby *added* as follows:

ADOPTION

18.626.045 Marijuana Manufacturing(*Added*)

“Marijuana manufacturing” means a use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repack, label, or relabel marijuana products. The use of marijuana manufacturing must be in compliance with Montana Code Annotated (MCA). The use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the manufacturing premises. A manufacturer may not manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

SECTION 10: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

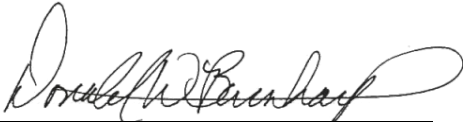
SECTION 12: **EFFECTIVE DATE** This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND ADOPTED BY THE CITY OF COLUMBIA FALLS COUNCIL
NOVEMBER 01, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Barnhart	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Fisher	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Karper	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Lovering	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Piper	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Robinson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Shepard	<u> </u>	<u> </u>	<u>X</u>	<u> </u>

Presiding Officer

Attest



Donald Barnhart, Mayor, City of
Columbia Falls



Barb Staaland, Clerk City of Columbia
Falls

